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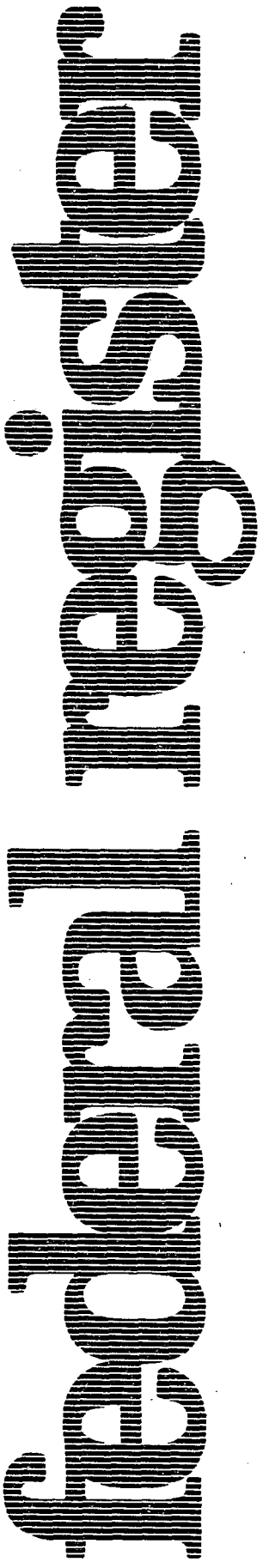

Thursday
February 4, 1988

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

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WHEN: February 19; at 9:00 a.m.
WHERE: Office of the Federal Register,
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1100 L Street NW., Washington, DC.
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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5765 of February 2, 1988

National Consumers Week, 1988

By the President of the United States of America

A Proclamation

Across our Nation and around the world, consumers are sending business an important message: there is no substitute for good service, the kind on which companies make their reputations. Under free enterprise, we consumers express our views through our everyday marketplace decisions and require businesses to adapt to our changing consumer choices.

The flexibility of American economic freedom opens the door to many opportunities for consumers and businesses. Both profit from today's increased emphasis on service. Customer-oriented companies that listen to their customers and make the commitment to act on their customers' wishes outperform their self-centered competitors time and again in profitability and customer loyalty. As a result, consumers are finding increasing responsiveness in some corners of the marketplace and are creating a demand for service in others. Indeed, customer service is emerging as a key competitive advantage today, not only in the domestic marketplace, but also in the expanding international arena.

In many industries, service is the product. The service sector accounts for 60 percent of our gross national product and provides some 70 percent of American jobs. Communications, transportation, utilities, banking, accounting, health care, and home maintenance are but a few examples of service industries indispensable to our way of life. Whether the transaction involves goods, services, or both, quality of customer service is a crucial ingredient in the interaction between customer and business, before, during, and after the sale. Service quality is often the factor that distinguishes businesses from one another.

This is the 7th year I have proclaimed National Consumers Week. I initiated National Consumers Week in 1982 to acknowledge and emphasize the significant stake consumers have in our economy. Our economy has three bases, the triad of capital, labor, and consumers; without any one of them the whole economy would lose its balance. Over the past 7 years, I have watched National Consumers Week grow into an established, national event involving millions of Americans in all sectors of our economy. I am proud of the success National Consumers Week enjoys. In recognition of the importance of consumers to our economy, and of service to consumers and business, "Consumers Buy Service" is the theme I have selected for National Consumers Week, 1988.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning April 24, 1988, as National Consumers Week. I urge consumers, businesses, educators, community organizations, labor unions, the media, and government officials to identify, emphasize, and promote activities during National Consumers Week that draw attention to the importance of service in consumers' purchasing decisions.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-2511
Filed 2-2-88; 4:50 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5766 of February 2, 1988

Small Business Week, 1988

By the President of the United States of America

A Proclamation

More than 17 million Americans own a small business; and the rest of us benefit from their ingenuity, enterprise, and hard work. These entrepreneurs employ half of all Americans in the work force. These achievements and the American heritage of economic liberty that helps make them possible are truly fitting reasons for each of us to join in observance of Small Business Week.

Today, small businesses provide well over two-thirds of all new American jobs, as well as 40 percent of our aggregate national output; the bulk of new American products and technologies; and more than two-thirds of all first jobs. The majority of jobs held by younger, older, minority, and female employees are in small business. In the next quarter-century, fully three-fourths of all new jobs created in America will have their genesis in small business.

The development of new enterprises depends on many factors, including the hopes, dreams, and hard work that have always characterized America's entrepreneurs. But it also depends on a climate hospitable to small business—a climate marked by a lack of government interference in the marketplace; low taxes; low interest rates; and the basic freedom to strive for and create progress, prosperity, and opportunity for ourselves and our fellow Americans. Government, the servant of the people, must make sure that it does not harm that climate, which is so necessary to our Nation's well-being and future.

The small business men and women of our land truly follow a great heritage and foster good for America.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 8 through May 14, 1988, as Small Business Week, and I urge all Americans to join with me in saluting our small business men and women by observing that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-2512
Filed 2-2-88; 4:51 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Docket No. AO-150-A5]

Idaho-Eastern Oregon Potato Marketing Order; Order Amending the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the marketing agreement and order for potatoes grown in certain counties in Idaho and Malheur County, Oregon. The amendments change the term of office for committee members to two years, and limit committee member tenure to three consecutive terms. In addition, the amendments change procedures for nominating committee members to permit nominations by mail and allow selection of dates, other than those specified in the order, for performing the procedures in the nomination process. Changes also have been made that revise the written acceptance procedures required of persons appointed as committee members; remove the limit on compensation to committee members; and provide for a larger operating reserve for excess funds. Periodic continuance referenda also are required. All of these changes will improve the committee's operations and procedures.

EFFECTIVE DATE: March 7, 1988.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456; telephone 202-447-5697.

SUPPLEMENTARY INFORMATION: Prior Documents in this proceeding—Notice of Hearing issued November 8, 1985, and published in the November 15, 1985, issue of the **Federal Register** (50 FR 47226). The Recommended Decision was issued March 27, 1987, and published in the **Federal Register** April 6, 1987 (52 FR 10893). The Secretary's Decision was issued June 29, 1987, and published in the **Federal Register** July 2, 1987 (52 FR 25016).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12291 and Departmental Regulation 1512-1.

Preliminary Statement

This final rule was formulated on the record of a public hearing held at Pocatello, Idaho, on December 10, 1985, to consider the proposed amendment of the Marketing Agreement and Marketing Order No. 945, both as amended, regulating the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon, hereinafter referred to collectively as the"order." The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the"Act," and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). The Notice of Hearing contained several amendment proposals submitted by the Idaho-Eastern Oregon Potato Committee established under the order, hereinafter referred to as the "committee." The proposals pertained to adding a public advisor to the committee, limiting the tenure of committee members, changing the term of office, changing nomination procedures, making changes in fiscal operations, and requiring periodic continuance referenda. The Department of Agriculture proposed that it make any necessary conforming changes.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator, on March 27, 1987, filed with the Hearing Clerk, U.S. Department of Agriculture, the Recommended Decision containing notice of the opportunity to file written exceptions thereto by May 6, 1987. Three exceptions were filed, and were discussed and ruled upon in the Secretary's Decision.

The Secretary's Decision was issued June 29, 1987, directing that a referendum be conducted during the period July 10-24, 1987, among Irish potato producers in designated counties in Idaho and Malheur County, Oregon to determine whether they favored various amendment proposals to the order. In that referendum, producers voted in favor of six of the eight amendment proposals listed on the referendum ballot. The proposals that did not receive the requisite two-thirds vote would have added a public advisor to the committee and deleted the assessment limitation of $1 per carload or equivalent. Accordingly, those two proposed amendments are not included in this order amending the order.

The Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). As stated in the Notice of Hearing, interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the amendment proposals on small businesses for purposes of the RFA. In that regard, such evidence was considered in arriving at the findings and conclusions contained in the Recommended Decision and in the Secretary's Decision. Those findings and conclusions are incorporated herein.

The Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601-674) requires the application of uniform rules to regulated handlers. Since handlers covered under M.O. 945 are predominantly small businesses, the order itself is tailored to the size and nature of these small businesses.

During the 1986-87 crop year, 106 handlers were regulated under M.O. 945 and handled potatoes for fresh market with an estimated crop value of $34.2 million. Given the applicable definition of a small business concern (i.e., for purposes of review pursuant to the Regulatory Flexibility Act, an agricultural services firm with average annual receipts not exceeding $3,500,000), almost all of the handlers of Idaho-Eastern Oregon potatoes would fall within that definition. In addition, there are about 3,648 producers of potatoes in the production area. Small agricultural producers have been

defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three years of less than $100,000. The majority of handlers and producers may be classified as small entities.

List of Subjects in 7 CFR Part 945

Marketing agreements and orders, Potatoes, Idaho, Oregon.

Order Amending the Order Regulating the Handling of Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the Marketing Agreement and Marketing Order No. 945 (7 CFR Part 945) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as hereby amended, regulates the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing agreement and order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) There are no differences in the production and marketing of Irish potatoes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of Irish potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping potatoes covered by the said order, as hereby amended) who, during the period August 1, 1986, through June 30, 1987, handled not less than 50 percent of the volume of such potatoes covered by the said order as hereby amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, is favored or approved, by at least two-thirds of the producers who participated in a referendum on the question of its approval or produced for market at least two-thirds of the volume of such commodity represented in the referendum, all of such producers during the period August 1, 1986, through June 30, 1987 (which has been deemed to be a representative period), having engaged within the production area in the production of Irish Potatoes for fresh market.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

Except for the previously noted modifications, the provisions of the proposed marketing agreement and order amending the order contained in the Recommended Decision issued by the Administrator on March 27, 1987, and published in the **Federal Register** April 6, 1987 (52 FR 10293), and in the Secretary's Decision issued on June 29, 1987, and published in the **Federal Register** on July 2, 1987 (52 FR 25016) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR Part 945 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Revise § 945.21 to read as follows:

§ 945.21 Term of office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be for two years beginning June 1 or such other date as recommended by the committee and approved by the Secretary. The term of office of members and alternates shall be so determined that approximately one-half of the total producer and handler committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified and continue until their successors are selected and have qualified. Beginning with the 1987 term of office, no member or alternate shall serve more than three full consecutive terms: *Provided,* That an alternate member may serve up to three consecutive terms and then serve as a member for up to three consecutive terms without a break in service. Members serving three consecutive terms could again become eligible to serve on the committee by not serving for one full term as either member or alternate member: *Provided,* That in the event a position would otherwise remain vacant for lack of eligible nominees or eligible persons willing to serve, the Secretary may authorize a member or alternate member to serve more than three full consecutive terms.

3. Amend § 945.25 as follows:

(1) Revise paragraphs (a) and (c).

(2) Redesignate paragraph (e) as paragraph (g) and revise it.

(3) Redesignate paragraph (f) as paragraph (e).

(4) Redesignate paragraph (g) as paragraph (f).

§ 945.25 Nominations.

* * * * *

(a) In order to provide nominations for producer and handler committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, or such other date as the Secretary may designate, one or more meetings of producers and of handlers in each district to nominate such members and alternates; or the committee may conduct nominations by

mail in a manner recommended by the committee and approved by the Secretary.

* * * * *

(c) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

* * * * *

(g) Nominations shall be supplied to the Secretary in such manner and form as the Secretary may prescribe, not later than May 1 of each year, or such other date as the Secretary may specify.

4. Revise § 945.27 as follows:

§ 945.27 Acceptance.

Any person nominated to serve on the committee as a member or as an alternate shall qualify by filing a statement of willingness to serve with the Secretary.

5. Revise § 945.31 to read as follows:

§ 945.31 Expenses.

Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate determined by the committee, and approved by the Secretary, for each day or portion thereof, spent in conducting committee business.

6. In § 945.44 revise the heading; remove the introductory paragraph and revise paragraphs (a) and (b) to read as follows:

§ 945.44 Excess funds.

(a) The funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over, with the approval of the Secretary, into following periods as a reserve. Such reserve shall be established at an amount not to exceed approximately one fiscal period's budgeted expenses. Funds in such reserve shall be available for use by the committee for expenses authorized under § 945.40.

(b) Funds in excess of those placed in the operating reserve shall be credited proportionately against a handler's operations of the following fiscal period, except that if the handler demands payment, such proportionate refund shall be paid to such handler.

* * * * *

7. Section 945.83 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 945.83 Termination.

* * * * *

(d) The Secretary shall conduct a referendum as soon as practicable after July 31, 1992, and at such time every sixth year thereafter, to ascertain whether continuance of this order is favored by potato producers. The Secretary may terminate the provisions of this order at the end of any fiscal period in which the Secretary has found that continuance of this order is not favored by producers who, during a representative period determined by the Secretary, have been engaged in the production for market of potatoes in the production area. Termination of the order shall be effective only if announced on or before July 1 of the then current fiscal period.

* * * * *

Signed at Washington, DC, on January 26, 1988 to become effective March 7, 1988.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Service.

[FR Doc. 88-2176 Filed 2-3-88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 966

Tomatoes Grown in Florida and Tomatoes Imported Into the United States; Amendment to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will extend the effective period of the handling regulation from June 15 to June 30, increase the minimum grade for fresh market shipments of 6×7 size (small) tomatoes outside the regulated area from U.S. No. 3 to U.S. No. 2, and establish a minimum grade requirement for 6×7 size tomatoes of U.S. No. 2 for shipments within the regulated area. The changes will apply to both domestic shipments of tomatoes under the marketing order and to imported tomatoes. This action is intended to prevent tomatoes of undesirable size and quality from being distributed in fresh market channels.

EFFECTIVE DATE: The changes in the requirements for tomatoes grown in Florida are effective from February 4, 1988, through June 30, 1988, for the 1987-88 season and from February 8, 1988, through June 30, 1988, for imported tomatoes. For each season thereafter, these regulations are effective October 10 through June 30.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone (202) 447-5331.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 966 (7 CFR Part 966), as amended, regulating the handling of tomatoes grown in Florida. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 103 handlers of tomatoes subject to regulation under the Florida Tomato Marketing Order, and approximately 180 tomato producers in Florida.

Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of Florida tomatoes may be classified as small entities.

The 1986-87 annual report of the Florida Tomato Committee indicated that total shipments for the 1986-87 season were 56,366,486 25-lb. equivalents, compared to 52,421,792 for the 1985-86 season and 52,471,073 for 1984-85. The average yield was approximately 1,107 25-lb. equivalents per acre compared to 1,150 the previous season and 1,173 in 1984-85. The total acres harvested were 5,387 more than the 45,530 acres harvested last season, and shipments were up 3,944,694 packages. Available forecasts predict that adequate tomato supplies will be available in the fall, winter, and spring of the 1987-88 season. Tomato production in the Florida marketing

order area is expected to be at least equal to the 56.4 million 25–lb. equivalents shipped in 1986–87.

For mature green and vine ripe 6×7 size tomatoes grading U.S. No. 3 total shipments for 1986–87 were 1,787,153 million 25–lb. equivalents or approximately three percent of the total shipments of 52,366,486 25-lb. equivalents for all sizes and grades. Mature green and vine ripe 6×7 size tomatoes grading U.S. No. 3 were valued at $6,022,910.25 or 1.4 percent of the total sales dollars of $410,124,645 for all tomato grades and sizes shipped.

The final rule will change the handling regulation specified at 7 CFR in section 966.323 (49 FR 47189 December 3, 1984; 51 FR 41074 November 13, 1986; 52 FR 46345 December 7, 1987) to extend the handling regulation effective period, increase the minimum grade for fresh market shipments of 6×7 size tomatoes outside the regulated area, and establish a minimum grade for shipments of 6×7 size tomatoes within the regulated area.

Changes will be made in the introductory text and in § 966.324(a)(1) to help maintain the quality of Florida tomato shipments by extending the handling regulation effective period and increasing and extending the coverage of the minimum grade requirement. This final rule is being issued pursuant to § 966.52 of the order.

Notice of this change was published in the December 15, 1987, issue of the **Federal Register** (52 FR 47576) affording interested persons 20 days in which to submit written comments. One comment was received from the Florida Tomato Exchange which unanimously supported the committee's recommendation.

Growers are producing and harvesting tomatoes into late June. Currently, the handling regulations are in effect October 10–June 15. After June 15, handlers may ship tomatoes free of the grade, size, container, and inspection requirements under the marketing order. According to the committee, many tomatoes that would not meet the requirements of the marketing order were shipped after June 15 last season. Quality standards have been imposed on the Florida tomato industry to improve its image and give the consumer a better product. According to the committee, to stop regulations before all harvesting is complete and allow significant supplies of poor quality tomatoes to be shipped to fresh market channels at the end of a season defeats the purpose of the regulations. Members of the committee believe extending the effective period to June 30 is needed to maintain the quality of late season shipments of tomatoes by requiring the tomatoes to meet the applicable grade, size, and quality requirements established under the order.

Marketing Order No. 966 defines the "regulated area" as that portion of the State which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico. Tomatoes shipped to points outside the regulated area are currently required to be at least U.S. No. 3 grade and 2–8/32 inches in diameter, and be sized and packed in accordance with three classifications. The smallest of the three designated sizes is the 6×7, which includes tomatoes ranging form 2–8/32 to 2–18/32 inches in diameter. The committee has recommended that the minimum grade for the 6×7 size be increased to U.S. No. 2.

It also was recommended that this requirement be made applicable to fresh market shipments within the regulated area. Such shipments are now subject only to size and inspection requirements.

This revision in the grade requirements is expected to prevent small, low-quality tomatoes from reaching the marketplace. This action is intended to improve the overall quality of tomatoes in fresh marketing channels.

Tomatoes grading U.S. No. 3 must be well developed, may be misshapen, and cannot be seriously damaged by sunscald. Tomatoes grading U.S. No. 2 have to be well developed, reasonably well-formed, and free from sunscald. Sunscald is an injury which usually occurs on the sides or upper half of the tomato, but may occur wherever the rays of the sun strike most directly. The first symptom is a whitish, shiny, blistered area. The affected tissue gradually collapses, forming a slight sunken area that may become a pale yellow color and will often wrinkle or shrivel as the tomato ripens. This detracts from the overall appearance and quality of the tomato.

The difference between tomatoes grading U.S. No. 3 and U.S. No. 2 with regard to development, shape, and sunscald is especially noticeable in smaller sized tomatoes.

Preliminary findings of a research study being conducted by Dr. John VanSickle, Marketing Economist, Food & Resources Economics Department, College of Agriculture, University of Florida, indicate that 6x7 U.S. No. 3 grade tomatoes are generally of very poor quality and are not desired by the consumer. Moreover, the data shows that when tomatoes of this quality are offered for sale to consumers they have an adverse affect on the demand and sale of other Florida tomatoes.

While this regulation will extend the effective period of the handling regulations, and increase and extend the applicability of the minimum grade requirement, exemptions to the handling regulation will continue to be available. For example, several varieties or types of tomatoes are completely exempt and handlers may ship up to 60 pounds of tomatoes per day without regard to the requirements of the handling regulation. Shipments of tomatoes for canning, experimental purposes, relief, charity, or export are also exempt. Importers can also ship up to 60 pounds of tomatoes per day exempt from the import regulation.

Section 8e of the Act (7 U.S.C. 608e–1) provides that whenever specified commodities, including tomatoes, are regulated under a Federal marketing order, imports of that commodity are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Because this final rule will extend the effective period of the handling regulation, and establish a higher minimum grade requirement for domestic tomato shipments, this change will be applicable to imported tomatoes.

Florida tomatoes must be packed in accordance with three specified size designations, and tomatoes falling into different size classifications may not be commingled in a single container. These pack restrictions do not apply to imported tomatoes. Imported tomatoes are generally sized in accordance with the U.S. Standard for Grades of Tomatoes [§§ 51.1855 through 51.1877]. Under these standards, there are specific diameter ranges for different size classifications, e.g. medium size tomatoes are classified as tomatoes which range from $2^{9}/_{32}$ to $2^{17}/_{32}$ inches in diameter and large size tomatoes are classified as tomatoes which range from $2^{17}/_{32}$ to $2^{28}/_{32}$ (§ 51.1859 of the standards). In addition, different sizes of imported tomatoes (e.g. medium and large) may be commingled in the same container. In this instance, a lot of imported tomatoes may range from the smallest size of medium tomatoes to the largest size of large tomatoes, i.e. $2^{9}/_{32}$ to $2^{28}/_{32}$ inches in diameter. Under these circumstances, it would be impracticable to require imported tomatoes to meet the same quality requirements proposed for Florida 6x7 size tomatoes which range from $2^{9}/_{32}$ inches to $2^{18}/_{32}$ inches in diameter because of the variation in the way imported tomatoes are sized. Thus, a comparable quality requirement is being established for imported tomatoes. The upper range of a medium tomato in the U.S. Standards for tomatoes is $2^{17}/_{32}$

inches in diameter. Since most imported tomatoes are sized in accordance with such standards and medium tomatoes under the standards are comparable to Florida 6x7 tomatoes, imported tomatoes with a minimum diameter of 2 17/32 inches or larger will be required to grade at least U.S. No. 3. All other imported tomatoes (those ranging from 2 8/32 inches to 2 16/32 inches in diameter) will be required to be U.S. No. 2 or better. Moreover, the current undersize tolerance will remain in effect. That means any lot with more than 10 percent of its tomatoes less than 2 17/32 inches in diameter will have to grade at least U.S. No. 2.

While section 8e of the Act requires that imports meet quality standards the same or comparable to those imposed on domestic tomatoes, it also provides that any import regulation shall not become effective until reasonable notice is given, which notice shall not be less than three days. In accordance with the provisions of section 8e, it has been determined that the effective date for import requirements for the 1987–88 season beginning three days after the publication of this final rule in the **Federal Register** is reasonable notice. In future seasons, both the domestic and import requirements will be effective during the same time period, i.e. from October 10 through June 30 each season.

A conforming change of § 966.323(f) *Applicability to imports* will be made to reflect the change in the effective period of the import regulation and the increase in the minimum grade requirement. No change is needed in the import regulation for tomatoes which appears in Part 980 (7 CFR 980.212; 42 FR 55192, October 4, 1977).

Quality assurance is very important to the Florida tomato industry both within and outside of the State. Providing the public with acceptable quality produce which is appealing to the consumer on a consistent basis is necessary to maintain buyer confidence in the marketplace. To the extent that this action increases the quality of tomatoes in the marketplace, it will also be of benefit to both Florida tomato growers and handlers.

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is hereby found that extending the effective period of the handling regulation from June 15 to June 30, increasing the minimum grade for fresh market shipments of 6x7 size (small) tomatoes outside the regulated area from U.S. No. 3 to U.S. No. 2, and establishing the minimum grade requirement of U.S. No. 2 for 6x7 size tomato shipments within the regulated area will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the harvesting and shipping season for Florida tomatoes has begun and to be of maximum benefit to producers and handlers this rule should become effective as soon as possible. In addition, pursuant to section 8e of the Act, it has been determined that the requirements for imported tomatoes should become effective three days after publication of this final rule.

List of Subjects in 7 CFR Part 966

Marketing agreements and orders, Tomatoes, Florida.

For the reasons set forth in the preamble, 7 CFR Part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 966, Tomatoes Grown in Florida continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

2. Section 966.323 is amended by revising the introductory text, paragraph (f), and the first sentence of (a)(1) to read as follows:

§ 966.323 Handling regulation.

During February 4, 1988, through June 30, 1988, for the 1987–88 season and from October 10 through June 30 each season thereafter, except as provided in paragraphs (b) and (d) of this section, no person shall handle any lot of tomatoes for shipment outside the regulated area unless it meets the requirements of paragraph (a) of this section and no person shall handle any lot of tomatoes for shipment within the regulated area unless it meets the requirements of paragraphs (a)(1), (a)(2)(i), and (a)(4) of this section.

(a) *Grade, size, container, and inspection requirements.* (1) *Grade.* Tomatoes shipped outside the regulated area shall be graded and meet the requirements for U.S. No. 1, U.S. Combination, U.S. No. 2, or U.S. No. 3 of the U.S. Standards for Grades of Fresh Tomatoes, except that all shipments of size 6x7 tomatoes must grade at least U.S. No. 2 or better.* * *

* * * * *

(f) *Applicability to imports.* Under section 8e of the Act and § 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the period February 8, 1988, through June 30, 1988, during the 1987–88 season and from October 10 through June 30 each season thereafter shall be at least 2 8/32 inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter. All lots with a minimum diameter of 2 17/32 inches and larger shall be at least U.S. No. 3 grade. All other tomatoes shall be at least U.S. No. 2 grade. Any lot with more than 10 percent of its tomatoes less than 2 17/32 inches in diameter shall grade at least U.S. No. 2.

Dated: February 2, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–2440 Filed 2–3–88; 8:45 am]

BILLING CODE 3410–02–M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations; Loss-Sharing Agreements; Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule; correction.

SUMMARY: The Farm Credit Administration (FCA) is correcting a typographical error in the final rule which amended the regulation relating to the reversal of previously accrued financial assistance under Farm Credit System loss-sharing agreements. The final rule appeared in the **Federal Register** on January 13, 1988 (53 FR 775).

FOR FURTHER INFORMATION CONTACT: Gary L. Norton, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: In Typing the final rule for submission to the **Federal Register**, the word "Capital" was inadvertently omitted in the amended language of § 614.4341.

PART 614—LOAN POLICIES AND OPERATIONS

1. Section 614.4341, Subpart I, Loss-Sharing Agreements is corrected to read as follows:

Subpart I—Loss-Sharing Agreements

§ 614.4341 Financial assistance.

No institution shall reverse any financial assistance provided under the 37-Bank Capital Preservation Agreement or any other capital preservation/loss-

sharing program that was received or accrued prior to July 1, 1986.

Dated: February 1, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 88-2314 Filed 2-3-88; 8:45 am]

BILLING CODE 6705-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239 and 274

[Release Nos. 33-6752; IC-16244; File No. S7-30-87]

Consolidated Disclosure of Mutual Fund Expenses

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form amendments.

SUMMARY: The Commission is adopting revisions to the expense-related disclosure requirements of the registration form used by open-end management investment companies under the Investment Company Act of 1940 and the Securities Act of 1933, and is publishing revisions to the staff guidelines accompanying the form. The amendments consolidate the expense data in a tabular presentation near the front of the prospectus. The Commission is adopting these amendments to improve the quality of expense disclosures in mutual fund prospectuses.

EFFECTIVE DATE: The amendments will become effective: (1) For investment companies whose registration statements become effective on or after May 1, 1988, and investment companies with fiscal years ending December 31, as to prospectuses used on or after May 1, 1988; and (2) for all other investment companies, upon use of any prospectus contained in any post-effective amendment filed on or after May 1, 1988.

FOR FURTHER INFORMATION CONTACT: John McGuire, Attorney, or Robert E. Plaze, Special Counsel, (202) 272-2107, Office of Disclosure and Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today is amending Form N-1A (17 CFR 239.15A), the registration form under the Investment Company Act of 1940 (15 U.S.C. 80a *et seq.*) (the "1940 Act") and the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) for open-end management investment companies ("funds"), and publishing revised guidelines to that form. These revisions, proposed on August 18, 1987 (Investment Company Act Rel. No. 15932) ("Release 15932" or "the Reproposal"),[1] require a tabular presentation of expenses ("fee table") to be included as part of the synopsis at the beginning of the prospectus. The fee table will reflect both the transactional expenses paid directly by the shareholder, such as sales loads, and the annual fund operating expenses, such as management fees, whether paid from fund assets or deducted from shareholder accounts. The fee table will also provide an example of the cumulative amount of these dissimilar fees over various investment periods. In addition, the Commission is publishing amendments to Form N-1A that improve the narrative prospectus disclosure of fees deducted under, and the nature of, Rule 12b-1 distribution plans ("Rule 12b-1 plans").[2]

Finally, the Commission is publishing revisions to Guide 29 and Guide 33 of the guidelines to Form N-1A. Guide 29 provides guidance as to the requirements for full disclosure of distribution expenses, and Guide 33 provides guidance in preparing the synopsis.

Discussion

The Commission received 621 comment letters in response to the Reproposal.[3] A majority of the commenters (578) were individual investors who supported the Commission's proposal.[4] The mutual fund industry commenters generally supported the Reproposal, but several suggested that the Commission modify and clarify some portions. The Commission has decided to adopt the proposed amendments to Form N-1A as modified to reflect many of the comments received.

A. Fee Table

All commenters supported adoption of the first two sections of the proposed fee table, which would list shareholder transaction expenses and annual fund operating expenses.[5] These two sections have been adopted with modifications, the most significant of which are discussed below.

1. Sales Loads on Reinvested Dividends

Twenty commenters recommended that the Commission require funds to list, as a shareholder transaction expense, any sales load imposed upon reinvested dividends. They argued that such a sales load is significant enough to justify inclusion in the fee table. One commenter, however, stated that these fees should not be listed in the fee table because they apply only to those investors who choose to have their dividends reinvested. This commenter essentially argued that sales loads deducted upon reinvestment be treated like Individual Retirement Account fees (which are not reflected in the fee table because they are not deducted from all shareholder accounts) rather than exchange fees (which are reflected in the table although only imposed on shareholders who make exchanges). The Commission has determined to include disclosure of sales loads imposed on reinvested dividends in the fee table because of their significance to the many investors who elect to have dividends reinvested,[6] and so that prospective investors in those relatively few funds that impose this charge will not be misled as to the existence of this load by its absence from the fee table.[7]

2. Schedule Variations of Sales Loads

The Reproposal would not have permitted scheduled variations of sales loads deducted from payments ("initial sales load") to be listed in the fee table, although specific comment was sought on this issue. Since these variations generally apply only to very large purchases of shares, inclusion of this information would unnecessarily complicate the table with information of limited value for most investors.[8]

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[1] 52 FR 32018 (August 25, 1987). The Commission initially proposed similar revisions to Form N-1A in Investment Company Act Rel. No. 14230 (Nov. 9, 1984) [49 FR 45171 (Nov. 15, 1984)].

[2] A Rule 12b-1 plan is a plan adopted pursuant to Rule 12b-1 (17 CFR 270.12b-1) under the 1940 Act to provide for the use of fund assets to finance activities intended primarily to result in the sale and distribution of fund shares. *See* Release 15932 at note 2 for a more detailed description of Rule 12b-1 plans.

[3] The comment letters and a summary of comments prepared by the Commission staff are contained in File No. S7-30-87.

[4] In addition to the comment letters received, the staff received over 100 telephone calls from investors who supported the Reproposal.

[5] At the suggestion of a commenter, the title "Nonrecurring Shareholder Expenses" used in the Reproposal has been changed to "Shareholder Transaction Expenses," and the title "Recurring Fund Expenses During the Past Fiscal Year" has been changed to "Annual Fund Operating Expenses."

[6] Mutual fund shareholders reinvest 71.2% of dividends. *1987 Mutual Fund Factbook* at 29.

[7] Although this would require an additional line item in the fee table, only those funds that deduct sales load from reinvested dividends will be required to include this line item in the table. (*See* Instruction 2 of Item 2 (a)(i) of Form N-1A.) Less than five percent of funds charge a sales load on reinvested dividends.

[8] The Reproposal would (and the amendments adopted today do), however, *permit* variations over time of (contingent) deferred sales loads and

Continued

Five commenters urged that the Commission permit funds to include scheduled variations of the initial sales load in the fee table because they believe that these scheduled variations are significant, and valuable for an accurate comparison of initial sales loads. Three commenters, however, stated that the narrative disclosure currently in the prospectus was adequate for those relatively few and generally knowledgeable investors in a position to take advantage of scheduled variations. In an effort to keep the fee table simple and easy to understand, and in light of these comments, the Commission is limiting the fee table to only the maximum initial sales load. Funds may, of course, highlight the scheduled variations of sales load in the narrative portion of the prospectus synopsis or in the brief narrative following the table.

3. Restatement of Expenses

Funds occasionally increase or decrease expenses so that their annual operating expense information, which is based on the amount incurred during the past fiscal year, will be out-of-date. Therefore, the Commission proposed that funds restate the expense information is a second column using the current fees that would have been applicable had those fees been in effect during the previous fiscal year, but requested comment on whether a single column of restated expense information would be preferable. All of the commenters addressing the issue favored a single column of restated expense information which, they asserted, would be shorter, simpler, and more easily understood. The Commission therefore has modified the fee table to require, when fees change, a single restated column of expense information. The instructions clarify the types of expense changes that require restatement.[9]

4. New Funds

Annual fund operating expenses will be listed in the table as a percentage of average net assets during the fund's most recent fiscal year.[10] However, funds that have been in operation for only a short period ("new funds") could not provide this information. Thus, the Reproposal would have required new funds to describe in the table the basis on which payments for operating expenses would be made. One commenter stated that, for some operating expenses, funds would not have enough information to develop the basis on which payments will be made. The Commission has added an instruction to the fee table requiring new funds to estimate such operating expenses.[11]

5. Expense Reimbursements and Waivers

Commenters requested that the Commission clarify how the fee table should reflect expense reimbursement or fee waiver arrangements. In an expense reimbursement arrangement, the adviser reimburses the fund for any expenses that exceed a predetermined amount, while in a fee waiver arrangement the adviser agrees to waive a portion of its fee in order to limit total expenses to a predetermined amount. The Commission has added an instruction providing that the fee table should generally reflect only the actual expenses incurred by the fund during the most recent fiscal year, that is, expenses net of any reimbursement or waiver, and that the brief narrative following the table must disclose the amount of expenses that would have been incurred had there been no waiver or reimbursement.[12] However, in circumstances where the fee waiver or expense reimbursement arrangement will no longer be in effect,[13] the table must show this as a change in expenses and the information must be restated to reflect the change.[14] Similarly, new funds must state the estimated actual expenses for the current fiscal year and, in the brief narrative following the table, disclose what the estimate would be if there was no expense reimbursement or waiver.[15]

6. Extraordinary Expenses

One commenter asked whether extraordinary expenses were to be included among "Other Expenses," and pointed out that, if so, this might be inconsistent with the title "Recurring Fund Expenses."[16] Because the primary purpose of the fee table is not so much to provide precise historical information as to convey to the investor an understanding of the level of expenses that might be expected to be incurred in the future and because, by definition, extraordinary expenses will not likely be incurred in the future, the Commission has added an instruction to the table excluding extraordinary expenses from the "Other Expenses" required to be listed in the table.[17] The brief narrative following the table must disclose the amount "Other Expenses" would be had to extraordinary expenses been included.

7. Miscellaneous Matters Pertaining to Operation Expenses

The Reproposal would permit "Other Expenses" to be divided into as many as three subcategories of the fund's choosing. Commenters disagreed as to whether there should be no subcategories (to keep the table simple), more categories, or an unlimited

exchange fees to be listed in the fee table since all investors are likely to be affected by these variations. However, only the maximum amount of each is *required* to be listed. An instruction has been added to require use of only a cross-reference to the narrative portion of the prospectus discussing the exchange fee where the number of variations of the exchange fee are so numerous as to make the fee table unwieldy.

[9] Of course, as discussed *infra* in the next section of this release, new funds cannot base their operating expense information on expenses incurred in the previous fiscal year and thus the restatement requirement is not applicable to them.

[10] Fund operating expenses include all recurring expenses incurred by the fund or its shareholders, but does not include brokerage commissions or other capital items.

[11] See Instruction 11 to Item 2(a)(i) of Form N-1A. Funds currently make similar estimates for purposes of accrual of expenses in determining net asset value. If after the prospectus becomes effective a new fund adjusts its estimated expenses for the purpose of determining net asset value, it would not be required to amend the prospectus to reflect the adjustment unless the adjustment would materially affect information provided in the table. *See* Instruction 12 to Item 2(a)(i) of Form N-1A and Release 15932 at note 16. The Commission has added an instruction clarifying that for purpose of the fee table a "new fund" is a fund whose prospectus contains financial statements reporting operating results for a period of less than ten months. *See* Instruction 11(a) to Item 2(a)(i) of Form N-1A.

[12] *See* Instruction 13(a) to Item 2(a)(i) of Form N-1A. One commenter, raising similar issues, asked whether the table should reflect actual amounts paid out under a Rule 12b-1 plan or the maximum permitted under the plan. The table should reflect only actual expenses paid out during the previously completed fiscal year. Therefore, so-called "defensive" Rule 12b-1 plans under which no payments are actually made would not have to be disclosed in the fee table. *See* Instruction 9 to Item 2(a)(i) of Form N-1A.

[13] For example, if the adviser agrees to reimburse a portion of the management fees during a fund's first year in operation, and the fund is entering its second year, the reimbursement arrangement would no longer be in effect.

[14] An instruction has been added to the fee table explaining that a change in expense reimbursement or waiver arrangement does not include circumstances where the fund expenses have decreased in relation to the size of the fund so as to make any expense waiver or reimbursement arrangement inoperative. *See* Instruction 12 to Item 2(a)(i) of Form N-1A.

[15] *See* instruction 13(b) to Item 2(a)(i) of Form N-1A.

[16] The Reproposal would have titled the second section of the fee table, which grouped together management fees, 12b-1 fees and all other expenses "Recurring Fund Expenses." As noted above, *supra* at note 5, this caption has been changed to "Annual Fund Operating Expenses."

[17] *See* Instruction 10(a) to Item 2(a)(i) of Form N-1A. For similar reasons, the Commission is requiring restated expense information when expenses have changed. *See supra* Section A.3. of this release.

number of categories (to give funds greater flexibility). The Commission has decided to retain the three subcategory limit, but has modified the table and Instruction 10(b) to the table to clarify that, as intended by the Reproposal, "Other Expenses" may consist of up to four line-items: a total of all "Other Expenses" and as many as three subcategories which equal that total.

The reproposing release requested comment on whether the "Annual Fund Operating Expenses" portion of the fee table should contain a subtotal of all non-Rule 12b-1 expenses. Most commenters responding did not believe a subtotal would be helpful, although some stated that it should be optional. The fee table as adopted does not require such a subtotal and, to preserve uniformity, simplicity, and comparability, does not permit such a subtotal.

8. Location

Form N-1A currently requires that the first three items of the form be set forth in the prospectus in the same order as in the form, and requires that Item 3 (Condensed Financial Information) be set forth within the first five pages.[18] The Reproposal would have required that the fee table, as part of Item 2, be set out within the first two pages of the prospectus. Three fund commenters stated that these requirements, taken together, would create difficulties for series funds using a single prospectus because of the amount of information required to be set forth in a few pages. Four fund commenters argued that placing the fee table in the front of each prospectus would overemphasize expenses. They suggested that funds be permitted to locate the fee table anywhere within the prospectus and be required to provide a reference to the location of the fee table at the front of the prospectus.[19] Many commenters, however, strongly supported locating the fee table at the front of the prospectus to "clearly alert investors" of the costs of an investment.

The significance of expense information warrants locating the fee table at the front of the prospectus. Because of the practical concerns raised about series funds, the Commission has modified the positioning requirements of Form N-1A so that the first three items need only be set forth in order in the prospectus.

[18] Form N-1A, General Instructions for Parts A and B.

[19] One commenter suggested that the hypothetical portion of the fee table be placed in an appendix to the prospectus.

9. Separate Accounts

One commenter urged the Commission to exempt underlying funds of variable annuity and variable life insurance separate accounts,[20] because the fee table of an underlying fund prospectus would not reflect expenses deducted from the separate account and could thereby mislead an investor into believing that it reflected all expenses. The commenter suggested that the Commission propose amendments to Forms N-3 and N-4 (17 CFR 274.11b, and 274.11c), the registration forms for these insurance products, that would provide for a fee table in separate account prospectuses.

The Commission has decided to exempt certain underlying fund prospectuses from the fee table requirements. Under the amendments to Form N-1A adopted today, funds that offer their shares exclusively to separate accounts issuing variable life insurance contracts need not include a fee table in their prospectuses.[21] As noted in the reproposing release, these prospectuses contain tables of hypothetical account values that serve much the same purpose as the fee table.[22] Funds that only offer shares to separate accounts issuing variable annuity contracts are not required to include a fee table if the variable annuity prospectus contains a fee table similar to that otherwise required to be included in a mutual fund prospectus.[23]

B. The Hypothetical Example

The third section of the proposed fee table would have illustrated the effect of expenses on the value of a hypothetical $1,000 investment at the end of one, three, five, and ten year periods, and was intended to provide a relatively simple means for investors to compare all of the disparate expenses of different funds.[24] The illustration would have shown the redemption value of a $1,000 investment at the end of each period assuming: (1) A zero percent rate of return; (2) a five percent rate of return; and (3) a five percent rate of return and no expenses. While most individual investors commenting on the Reproposal enthusiastically supported the hypothetical illustration, most fund commenters opposed it and/or offered substantially different alternative approaches.

One of the principal subjects of disagreement among the commenters was the assumed interest rate used to calculate the hypothetical account values. The first column of the proposed illustration assumed a zero percent rate of return; the second two columns assumed a five percent rate of return. The Commission requested comment whether the assumed rates of return were appropriate and on what basis any rate of return should be chosen. All ten of the commenters addressing the zero percent rate of return issue were of the view that it was either inappropriate because the account values it produced would always show an investment decreasing in value, or unnecessary because fund expenses can be compared at any uniform rate of return and a positive rate of return would demonstrate the effect of asset-based fees. Thirty commenters, however, supported adopting the proposed illustration using the five percent rate of return. Eight other commenters suggested using a higher rate of return. One recommended that the illustration use an eight percent rate of return because such a rate represents a compromise between the historical long-term return on stocks and the long-term return on bonds. Another commenter suggested that a ten percent rate of return would be easier to work with, and would better illustrate expense differences over time. A third commenter recommended that different rates be used for different types of funds. Finally, three commenters stated that it was impossible to choose any appropriate rate of return for an illustration showing the return on an investment because it would be viewed as promissory or predictive. Consequently, any rate of return would either overly-encourage or discourage investment in funds, which, they argued, should be avoided at all costs.

The three columns of the proposed illustration showed the value of an investment at the end of certain periods, assuming that fees and expenses had been deducted in the first two columns, but not in the third. The reproposing release explained that the first column,

[20] Underlying funds of variable annuity and variable life insurance separate accounts register their shares on Form N-1A but offer them only to separate accounts organized as unit investment trusts. Investors in those contracts receive two prospectuses, one relating to the interests in the unit investment trust and the other relating to shares of the underlying fund.

[21] *See* Item 2(a)(ii) to Form N-1A.

[22] Release 15932 at note 17.

[23] If a fund offers its shares to both variable life insurance and variable annuity separate accounts, the prospectuses of both separate accounts must meet the conditions of the exemption for the fund to omit the fee table. The Commission staff is currently preparing amendments to Forms N-3 and N-4 for proposal that would provide for a fee table in variable annuity prospectuses.

[24] The hypothetical example was first proposed in Release 15932.

and the second and third columns when compared, were intended to demonstrate the cost of an investment and the amount of investment growth necessary to recoup expenses. The Commission requested comment as to whether the first column was necessary in light of the second and third columns. As stated above, commenters believed that the first column, which showed returns after deduction of expenses assuming a zero percent rate of return, was unnecessary. Other commenters asserted that the third column could create unrealistic investor expectations since no fund is without expenses.[25] Still other commenters thought that the quantity of numbers in this part of the table made it too complex for the average investor to understand.

While commenters raised significant issues regarding the proposed hypothetical illustration, the Commission nonetheless has decided to adopt a modified version of the proposed hypothetical illustration because it believes that such an illustration is vital to permit investors to comprehend and compare increasingly disparate and complex fund expense structures. The comments of an unusually large number of investors, many of whom complained about their inability to assess fund expenses, support this conclusion.[26] The modified illustration, which is restyled as an "Example" of the amount of expenses listed in the first two parts of the table that might be incurred over time, should be simpler to understand and alleviates many of the concerns raised by commenters.

Like the proposed illustration, the Example is based on a hypothetical $1,000 investment and assumes a five percent rate of return. However, instead of portraying the redeemable value of an investment, the Example will show the amount of expenses that would be incurred by an investor redeeming at the end of one, three, five, and ten years. Funds that charge a (contingent) deferred sales load upon redemption will provide an additional line in the table that will show expenses that would be incurred at the end of one, three, five, and ten years if the investor did not redeem his or her investment.

The Commission believes that the Example, an outgrowth of the proposed hypothetical illustration, will fulfill the objective of providing a relatively single means for investors to compare expense levels of funds with different fee structures over varying investment periods. In addition, it will demonstrate the cost of an investment and the amount of investment growth necessary to recoup those costs. In response to comments, the Commission has eliminated the column of information computed based upon a zero percent rate of return and has merged the two columns assuming a five percent rate into one line of expense information.[27] Because the Example will focus on fund expenses and not account values, the possibility that investors will be misled and believe that these figures represent projections is significantly diminished. Moreover, by focusing on fund expenses the Example substantially reduces the impact of and thus the significance of the selection of an assumed rate of growth. The second line of expense information, applicable only to funds charging a (contingent) deferred sales load or a redemption fee, will permit investors to compare the expenses of a continuing investment to those of a redemption.

1. Alternative Illustration

Some fund commenters proposed an alternative illustration that would present fund expenses (including sales load) as a percentage of a hypothetical investment over varying investment periods. Such a table, they argued, would be less complex, less likely to be viewed as a projection of results, and would not require an assumed rate of return.[28] The Commission has decided not to adopt such a method of illustrating expenses because it believes that the disclosure of fund expenses in dollar values would better convey to investors the impact of expanses on a fund investment. Moreover, the problems with the hypothetical illustration that led commenters to suggest the expense rate approach have largely been resolved by the Example being adopted today.

2. New Funds

Some commenters argued that new funds should not include the hypothetical illustration portion of the fee table in their prospectuses because their current expenses are much higher than their future expenses will be and because any estimate of future expenses would be of questionable validity. One fund commenter urged the Commission to require new funds to make estimates of their expenses. Because of the importance of the Example in enabling investors to compare expenses, the Commission has decided to require new funds to include the Example in their fee table. As explained above, fund operating expenses listed for new funds will be based on estimates of expenses expected to be incurred in the current fiscal year.[29] In computing the Example, established funds will extrapolate expenses incurred during the past fiscal year into the future.[30] However, in the case of new funds, the validity of the estimate may diminish in later years. Therefore, the Commission will only require new funds to calculate the Example for one and three year periods.

C. Narrative Distribution Expense Disclosures

Funds adopting Rule 12b–1 plans must disclose in the prospectus the existence of the plan and list the various activities for which payments are made under the plan. More detailed information must be provided in the Statement of Additional Information. In the Reproposal, the Commission proposed amendments to Form N–1A to clarify the minimum disclosure obligations of funds regarding Rule 12b–1 plans which have become increasingly diverse and complex. The Commission is adopting these amendments substantially as proposed.

[25] The Commission did not accept the recommendation of several commenters to modify the second and third columns to show the "profit" or "loss" an investor would receive instead of account values, given all the assumptions of the proposed illustration. Profit or loss could be shown by subtracting the initial $1,000 invested from the redeemable value of the investment. The Commission believes this approach would increase the likelihood that investors might misunderstand the illustration as a projection.

[26] The Commission received over 1,000 comment letters from individual investors on the original fee table proposal and approximately 600 on the Reproposal. The majority of the 600 commenters supported the entire Reproposal without specifically supporting any single portion; however, 116 commenters specifically endorsed some variation of a hypothetical illustration.

[27] This expense information is approximately the difference between the amounts that woud have been required in column two and column three of the proposed hypothetical illustration, *i.e.*, the difference between an investment in the fund and an investment in a fund without any expenses, both of which earn a 5% gross return.

[28] Under this alternative, a fund charging a sales load deducted from payments would show a relatively high expense rate in the first year of a hypothetical investment, which would be reduced over time as the impact of the load is spread over time. A fund with all distribution expenses paid through a 12b-1 plan would, in contrast, have a consistent expense rate over time.

[29] *See* discussion *supra* Section A.4. of this release.

[30] The Commission has added an instruction to the fee table to clarify that to prepare the Example funds should assume that the fund operating expenses listed in the second parts of the fee table are those that will be incurred in each year of the one, three, five, and ten year periods. *See* Instruction 12(a) to Item 2(a)(i) of Form N–1A. Therefore, if a fee has been restated because of a change, the restated fee must be used to calculate the Example. In addition, if the advisory fee reflects an amount determined by the performance of the fund, that amount would be assumed to have been paid in each year of the one, three, five, and ten year periods.

with the exception of one of the proposed requirements. [31]

One proposed amendment would have required funds to disclose if payments under a Rule 12b–1 plan, together with any sales loads charged, could exceed the amount that could be deducted under applicable National Association of Securities Dealers ("NASD") limitations. [32] Commenters opposed this proposed disclosure requirement. The Commission has decided not to adopt the proposed requirement.

D. Date of Effectiveness

As a compromise between the need to include this information in all fund prospectuses as soon as possible and the burdens that would be imposed on funds and the Commission staff if all funds were required to amend their prospectuses immediately, the Commission is staggering the date when these revisions will become effective. For funds whose registration statements become effective on or after May 1, 1988, the revisions become effective for prospectuses used on or after May 1, 1988. For funds with fiscal years ending on December 31, the revisions will become effective on May 1, 1988, as to any prospectuses used on or after that date, the date on which their post-effective amendments ordinarily must become effective. For all other funds today's revisions will become effective upon use of any prospectus contained in any post-effective amendment filed on or after May 1, 1988.

Regulatory Flexibility Act Analysis

A summary of the Initial Regulatory Flexibility Analysis, which was prepared in accordance with 5 U.S.C. 603, was published in Investment Company Act Release No. 15932. No comments were received on this analysis. The Commission has prepared a Final Regulatory Flexibility Analysis, a copy of which may be obtained by contacting John McGuire, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

List of Subjects in 17 CFR Parts 239 and 274

Investment Companies, Reporting and recordkeeping requirements, Securities.

Text of Form Changes

The Commission is amending Chapter II, Title 17 of the Code of Federal Regulations as set forth below:

PART 239—[AMENDED]

1. The authority citation for Part 239 continues to read, in part, as follows:

Authority: The Securities Act of 1933, 15 U.S.C. 77a, *et seq.*, * * *

PART 274—[AMENDED]

2. The authority citation for Part 274 continues to read, in part, as follows:

Authority: The Investment Company Act of 1940, 15 U.S.C. 80a–1, *et seq.*, * * *

§ 239.15A [Amended]
§ 274.11A [Amended]

3. By amending General Instructions for Parts A and B by revising paragraphs 1 and 4(a), of General Instruction G of Form N–1A, described in §§ 239.15A and 274.11A, to read as follows:

General Instructions for Parts A and B

1. The information contained in the prospectus and the Statement of Additional Information should be organized to make it easy to understand the organization and operation of the Registrant. The information need not be in any particular order, with the exception that Items 1, 2, and 3 must be in numerical order in the prospectus and may not be preceded or separated by any other item.

* * * * *

4(a). A Registration Statement on this Form may include any chart, graph, or table that is not misleading; however, with the exception of the fee table and the table of contents (required by Rule 481(c) [17 CFR 230.481(c)] under the 1933 Act), no chart, graph, or table should precede the condensed financial information specified in Item 3.

* * * * *

4. By redesignating current paragraphs (a) and (b) of Item 2 as (b) and (c), adding a new paragraph (a) to Item 2, and revising redesignated paragraph (b) as follows:

Item 2. *Synopsis*

(a)(i) Include a table furnishing the following information, using the captions provided, in the format illustrated below:

Shareholder Transaction Expenses	
Maximum Sales Load Imposed on Purchases (as a percentage of offering price)	____%
Maximum Sales Load Imposed on Reinvested Dividends (as a percentage of offering price)	____%
Deferred Sales Load (as a percentage of original purchase price or redemption proceeds, as applicable)	____%
Redemption Fees (as a percentage of amount redeemed, if applicable)	____
Exchange Fee	____
Annual Fund Operating Expenses (as a percentage of average net assets)	
Management Fees	____%
12b–1 Fees	____%
Other Expenses	____%
.....	____%
.....	____%
.....	____%
Total Fund Operating Expenses	____%

Example	1 year	3 years	5 years	10 years
You would pay the following expenses on a $1,000 investment, assuming (1) 5% annual return and (2) redemption at the end of each time period	$____	$____	$____	$____
You would pay the following expenses on the same investment, assuming no redemption	$____	$____	$____	$____

Instructions:

General Instructions

1. Immediately after the table, provide a brief narrative explaining that the purpose of the table is to assist the investor in understanding the various costs and expenses that an investor in the fund will bear directly or indirectly. Include, where appropriate, cross-references to the relevant sections of the prospectus for more complete descriptions of the various costs and expenses.

2. If a particular caption is not applicable to the Registrant, the caption may be omitted from the table.

3. Round all dollar figures to the nearest dollar and all percentages to the nearest hundredth of one percent.

4. If the Registrant is a series company, list separately the data for each series.

Shareholder Transaction Expenses

5. "Deferred Sales Load" includes the maximum contingent deferred sales load.

[31] An amended staff guideline published in the reproposing release stated that funds should disclose the estimated amount of time it will take for the fund to pay all "carryover expenses." Commenters argued that it would be very difficult for funds to make this estimate and it would not be of much utility to investors. The staff has decided to withdraw this guideline. "Carryover expenses" are distribution expenses under a Rule 12b–1 plan incurred in one plan year to be paid in a later year. This practice is explained in detail in Release 15932.

[32] Proposed Item 7(f)(iv).

expressed as a percentage of the original purchase price or redemption proceeds, and may include a tabular presentation, within the larger table, of the range of contingent deferred sales loads over time.

6. "Redemption fee" includes any fee charged for any redemption but does not include any sales load charged upon redemption.

7. "Exchange Fee" includes the maximum fee charged for any exchange or transfer of interest from the Registrant to another investment company or from one series of the Registrant to another. The Registrant may include a tabular presentation of the range of exchange fees unless such a presentation would be so lengthy as to encumber the larger table, in which case the Registrant should only provide a cross-reference to the narrative portion of the prospectus discussing the exchange fee.

Annual Fund Operating Expenses

8. "Management Fees" include investment advisory fees (including any component thereof based on the performance of the Registrant), any other management fees payable to the investment adviser or its affiliates, and administrative fees payable to the investment adviser or its affiliates not included as "Other Expenses."

9. "Rule 12b–1 Fees" include all distribution or other expenses incurred during the most recent fiscal year under a plan adopted pursuant to Rule 12b–1 under the 1940 Act. Disclose the amount of any distribution or similar expenses deducted from assets other than pursuant to a Rule 12b–1 under an appropriate caption or under a subheading of the general caption "Other Expenses."

10. "Other Expenses" include all expenses (except nonrecurring account fees, brokerage commissions and other capital items, sales loads, management fees, or Rule 12b–1 fees) that are deducted from fund assets or charged to all shareholder accounts.

(a) "Other Expenses" do not include extraordinary expenses as determined by use of generally accepted accounting principles (*see* Accounting Principles Board Opinion No. 30). If extraordinary expenses were incurred that materially affect the Registrant's "Other Expenses," the Registrant should disclose in the narrative following the table what the "Other Expenses" would have been had extraordinary expenses been included.

(b) The Registrant may subdivide this caption into no more than three subcategories of the Registrant's choosing, but must also include a total of all "Other Expenses."

(c) For any account fees that vary relative to the size of the account, assume an account size equal to Registrant's mean (or median) account size.

11. Except as provided in (a) or (b) below, the percentages expressing annual fund operating expenses shoud be based on amounts incurred during the most recent fiscal year.

(a) A New Registrant should state the basis on which payments will be made, except that "Other Expenses" should be estimated and stated (after any expense reimbursement or waiver) as a percentage of net assets. Disclose in the narrative following the table that "Other Expenses" is based on estimated amounts for the current fiscal year. A New Registrant, for purpose of this instruction, and Instructions 13(b) and 14(e), is a Registrant (or series of the Registrant) the prospectus of which either (i) does not include financial statements reporting operating results as a registered investment company, or (ii) includes financial statements for the intitial fiscal year of the Registrant that report operating results as a registered investment company for a period of less than ten months.

(b) If the Registrant has changed its fiscal year, and as a result the most recent fiscal year is less than three months, the Registrant should use the fiscal year prior to the most recent fiscal year as the basis for determining annual fund operating expenses.

12. If there have been any changes in the annual fund operating expenses that would materially affect the information disclosed in the table:

(a) restate the expense information using the current fees that would have been applicable had they been in effect during the previous fiscal year; and

(b) in the narrative following the table, disclose that the expense information in the table has been restated to reflect current fees.

A change in annual fund operating expenses means either an increase or a decrease in expenses that occurred during the most recent fiscal year or that is expected to occur during the current fiscal year. It includes the elimination of any expense reimbursement or fee waiver arrangement, in which case the expenses that would have been incurred had there been no reimbursement or waiver should be listed, but does not include circumstances where fund expenses decrease in relation to the size of the fund so as to make any waiver or reimbursement arrangement inoperative. An expected decrease in operating expenses as a percentage of assets due to economies of scale or breakpoints in a fee arrangement for a fund whose assets have increased is an example of a change that should not be treated as a change requiring restatement.

13.(a) If there were expense reimbursement or fee waiver arrangements that reduced any fund operating expenses and will continue to reduced them in the current fiscal year: (i) revise the appropriate caption by adding "After Expense Reimbursements" or some similar phrase; (ii) state the amount of actual expenses incurred, *i.e.*, net of the amount reimbursed or waived; and (iii) disclose in the narrative following the table the amount the expenses would have been absent the reimbursement or waiver.

(b) If there are expense reimbursement of waiver arrangements that are expected to reduce any fund operating expense or the estimate of "Other Expenses," a New Registrant should (i) revise the appropriate caption by adding "After Expense Reimbursements" or some similar phrase; (ii) state the amount of actual expenses expected to be incurred or the actual estimate (*i.e.*, net of the amount expected to be reimbursed or waiver); and (iii) disclose in the narrative following the table what the expenses (or estimates) would have been absent the reimbursement or waiver.

Example

14. For purposes of the Example in the table:

(a) Assume that the percentage amounts listed under Annual Fund Operating Expenses remain the same in each year of the one, three, five, and ten year periods;

(b) For the purpose of any breakpoint in any fee, assume that the amount of Registrant's assets remains constant at the level at the end of the most recently completed fiscal year;

(c) Assume reinvestment of all dividends and distributions;

(d) Reflect recurring and nonrecurring fees charged to all investors and assume no exchanges (A Registrant that charges a sales load on the reinvestment of dividends should not reflect these fees in the Example, but should explain in the brief narrative following the table that the Example does not reflect these amounts and that the amounts would be increased if they were reflected.);

(e) A New Registrant should complete only the one and three year period portions of the Example;

(f) Reflect any contingent deferred sales load by assuming redemption on the last day of the year;

(g) Provide the information required in the second line of the Example only if a sales load or other fee is charged upon redemption; and

(h) Prominently disclose that the Example should not be considered a represenatation of past or future expenses and that actual expenses may be greater or lesser than those shown.

(ii) A Registrant that offers its shares exclusively to an insurance company separate account may omit the table if the separate account issues either: (A) Variable life insurance contracts; or (B) variable annuity contracts the prospectuses for which contain a table of expenses similar to the table required by this item.

(b) The Registrant should include a synopsis of the information, other than the required synopsis of expense information, contained in the prospectus where the length or complexity of the prospectus makes such a synopsis appropriate. (If the prospectus without a synopsis would be twelve pages or less when printed in the manner in which it is to be delivered to investors, a synopsis, with the exception of the table required in paragraph (a) above, should not normally be necessary.)

* * * * *

5. By amending paragraph (d) by removing the word "and" after the semicolon and revising paragraph (e) and adding new paragraph (f) to Item 7 as follows:

Item 7. *Purchase of Securities Being Offered*

* * * * *

(e) the amount or rate of any continuing fee paid out of fund assets to any dealer or any persons who may be advising shareholders regarding the purchase, sale, or retention of fund shares ("trail fee"); and

(f) if the Registrant directly or indirectly pays distribution or other expenses pursuant

to a plan adopted under Rule 12b–1 under the 1940 Act [17 CFR 270.12b–1] (i) a brief description of the plan; (ii) a listing of the principal types of activities for which payments are or will be made; and (iii) a statement of the amount of any unreimbursed expenses incurred in a previous plan year and carried over to future plan years, in terms of dollars and as a percentage of net assets of the Fund on the last day of the previous plan year. If the Registrant participates in any joint distribution activities with another fund, or, if a series of the Registrant participates in joint distribution activities with other series, disclose, if applicable, that a 12b–1 fee paid by one series or fund may be used to finance distribution of the shares of another series or fund and the method (*e.g.*, relative net asset size, number of shareholder accounts) by which distribution costs will be allocated.

* * * * *

6. By revising paragraphs (f) and (f)(i), redesignating current paragraph (f)(i)(F) as (f)(i)(G) of Item 16, and adding a new paragraph (f)(i)(F) as follows:

Item 16. *Investment Advisory and Other Services*

* * * * *

(f) Furnish a detailed description of the material aspects of any plan under which the Registrant incurs expenses related to the distribution of its shares, and of any agreements related to the implementation of such a plan. The description should include, among other information, the following:

(i) The dollar amount and the manner in which amounts paid by the Registrant under the plan during the last fiscal year were spent on:

(A) * * *

(F) interest, carrying, or other financing charges, and

* * * * *

7. By revising Guide 29 of the Guidelines as follows:

Guide 29. *Distribution Expenses*

Item 7 requires a registrant that bears distribution or other expenses in accordance with Rule 12b–1 to briefly describe the plan in the prospectus. To comply with this item, the brief description of the Rule 12b–1 plan should include: a discussion of the relationships between amounts paid to an underwriter and expenses actually incurred by the underwriter (*e.g.*, whether the plan reimburses the distributor only for actual expenses incurred or whether the distributor's compensation is based on the fund's average daily net assets or some other factor, regardless of the amount of expenses incurred). If the funds is or can be charged for interest, carrrying, or any other financing charges on any unreimbursed distribution or other expense incurred in a prior plan year, or considers itself under a legal obligation to pay all or part of the amount carried over, the registrant should so disclose in the prospectus.

When special arrangements will be made to sell shares of the fund to customers of dispository institutions, possible applicability of the Glass-Steagall Act should be discussed in the prospectus. The legal issues raised by payments to depository institutions for their services in this connection should be identified, and the consequences for the fund, if these issues are resolved adversely, should also be discussed.

8. By amending the first two paragraphs of Guide 33 of the Guidelines as follows:

Guide 33. *The Synopsis*

If the registrant determines that inclusion of a synopsis is appropriate because of the length or complexity of the prospectus, that synopsis should be a clear and concise description of the key features of the offering and the registrant.[44] The information provided in the synopsis need not be set forth in the order or manner described in this Guide. Further, the information may be presented in a question-and-answer format.

A synopsis provided pursuant to Item 2 of Form N–1A should, in the staff's opinion, include: (i) a brief description of how the registrant proposes to achieve its investment objectives, including identification of the types of securities in which the registrant proposes to invest primarily and a statement as to whether the registrant proposes to operate as a diversified or non-diversified investment company; (ii) a summary of the principal speculative or risk factors associated with investment in the registrant, including factors peculiar to the registrant as well as those generally attendant to investment in an investment company with objectives and policies similar to registrants; and (iii) the nature of the securities being offered.

* * * * *

By the Commission.

Jonathan G. Katz,

Secretary.

February 1, 1988.

[FR Doc. 88–2345 Filed 2–3–88; 8:45 am]

BILLING CODE 8010–01–M

[44] The table required by item 2(a) should, in all cases, be included in the prospectus.

RAILROAD RETIREMENT BOARD

20 CFR Part 200

Regulation To Exempt a System of Records Under the Privacy Act

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) amends § 200.5 of its regulations, which implement the Privacy Act, to exempt system of records, RRB–43, Investigation Files, from those requirements of the Privacy Act consistent with the general exemption provision of the act at 5 U.S.C. 552a(j)(2).

EFFECTIVE DATE: February 4, 1988.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Privacy Act Officer, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4548 (FTS 386–4548).

SUPPLEMENTARY INFORMATION: The Railroad Retirement Board hereby exempts, under the general exemption provisions of 5 U.S.C. 552a(j)(2), RRB records system: RRB–43, Investigation Files (50 FR 10332–33 (March 14, 1985)). This system of records is presently exempted under the specific exemption provision of 5 U.S.C. 552a(k)(2). At the time this system was established, it was not maintained by a component of the Board "which performs as its principal function any activity pertaining to the enforcement of criminal laws," and hence could not qualify for general exemption. The system is now maintained by a newly established Office of Inspector General. A component of that Office, the Office of Investigations, performs as its principal function activities pertaining to the enforcement of criminal laws. The system thus now qualifies for exemption under 5 U.S.C. 552a(j)(2).

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required.

The RRB published the proposed rule on November 13, 1987, at 52 FR 43620–22 for a 60 day comment period. No comments were received from the public. This final rule is identical to the proposed rule.

List of Subjects in 20 CFR Part 200

Railroad retirement, Railroad unemployment insurance, Privacy.

Title 20 CFR Part 200 is amended as follows:

PART 200—[AMENDED]

1. The authority citation for Part 200 continues to read as follows:

Authority: 45 U.S.C. 231f and 45 U.S.C. 362, unless otherwise noted.

Title 20 CFR, § 200.5 is amended as follows:

2. The authority citation for § 200.5 continues to read as follows:

Authority: 5 U.S.C. 552a.

3. Section 200.5(f) is revised to read as follows:

§ 200.5 [Amended]

* * * * *

(f) General exemptions—(1) Systems of records subject to investigatory material exemption under 5 U.S.C. 552a(j)(2). RRB–43, Investigation Files, a system containing information concerning alleged violations of law, regulation, or rule pertinent to the

administration of programs by the RRB or alleging misconduct or conflict of interest on the part of RRB employees in the discharge of their official duties.

(2) Scope of exemption. (i) The system of records identified in this paragraph is maintained by the Office of Investigations (OI) of the Office of Inspector General (OIG), a component of the Board which performs as its principal function activities pertaining to the enforcement of criminal laws. Authority for the criminal law enforcement activities of the OIG's OI is the Inspector General Act of 1978, 5 U.S.C. app.

(ii) Applicable information in the system of records described in this paragraph is exempt from subsections (c)(3) and (4) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(1), (2), (3), (4)(G), (H), and (I), (5), and (8), (Agency Requirements), (f) (Agency Rules) and (g) (Civil Remedies) of 5 U.S.C. 552a.

(iii) To the extent that information in this system of records does not fall within the scope of this general exemption under 5 U.S.C. 552(j)(2) for any reason, the specific exemption under 5 U.S.C. 552(k)(2) is claimed for such information. (See paragraph (g) of this section.)

(3) Reasons for exemptions. The system of records described in this section is exempt for one or more of the following reasons:

(i) 5 U.S.C. 552a(c)(3) requires an agency to make available to the individual named in the records, at his or her request, an accounting of each disclosure of records. This accounting must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Accounting of each disclosure would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of an investigation. The release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, and could seriously impede or compromise the investigation and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(ii) 5 U.S.C. 552a(c)(4) requires an agency to inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of the Act. Since the RRB is claiming that this system of records is exempt from subsection (d) of the Act, concerning access to records, this section is inapplicable and is exempted to the extent that this system of records is exempted from subsection (d) of the Act.

(iii) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him or her, to request amendment of such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting access to records in this system of records could inform the subject of the investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his or her activities, of the identity of confidential sources, witnesses, and law enforcement personnel, and could provide information to enable the subject to avoid detection or apprehension. Granting access to such information could seriously impede or compromise an investigation, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and disclose investigative techniques and procedures.

(iv) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose required by statute or executive order of the President. The application of this provision could impair investigations and law enforcement, because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(v) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The application of this provision could impair investigations and law enforcement by alerting the subject of an investigation of the existence of the investigation, enabling the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Moreover, in certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information must be collected from other sources. Furthermore, it is often necessary to collect information from sources other than the subject of the investigation to verify the accuracy of the evidence collected.

(vi) 5 U.S.C. 552a(e)(3) requires an agency to inform each person whom it asks to supply information, on a form that can be retained by the person, of the authority under which the information is sought and whether disclosure is mandatory or voluntary; of the principal purposes for which the information is intended to be used; of the routine uses which may be made of the information; and of the effects on the person, if any, of not providing all or any part of the requested information. The application of this provision could provide the subject of an investigation with substantial information about the nature of that investigation.

(vii) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request if the system of records contains a record pertaining to him or her, how he or she can gain access to such a record, and how he or she can contest its contents. Since the RRB is claiming that the system of records is exempt from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that these systems of records are exempted from subsections (f) and (d) of the Act. Although the RRB is claiming exemption from these requirements, RRB has published such a notice concerning its notification, access, and contest procedures because, under certain circumstances, RRB might decide it is appropriate for an individual to have access to all or a portion of his or her records in this system of records.

(viii) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish in the **Federal Register** notice concerning the categories of sources or records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy of confidential sources and witnesses, and to avoid the disclosure of investigative techniques and procedures. Although RRB is claiming exemption from this requirement, RRB has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(ix) 5 U.S.C. 552a(e)(5) requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual. Since the Act

defines "maintain" to include the collection of information, complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In collecting information for criminal law enforcement purposes, it is not possible to determine in advance what information is accurate, relevant, timely, and complete. Facts are first gathered and then placed into a logical order to prove or disprove objectively the criminal behavior of an individual. Material which may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as the investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, thereby impending effective law enforcement.

(x) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. Complying with this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(xi) 5 U.S.C. 552a(f)(1) requires an agency to promulgate rules which shall establish procedures whereby an individual can be notified in response to his or her request if any system of records named by the individual contains a record pertaining to him or her. The application of this provision could impede or compromise an investigation or prosecution if the subject of an investigation was able to use such rules to learn of the existence of an investigation before it could be completed. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since the RRB is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f)(2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that this system of records is exempted from subsection (d) of the Act. Although RRB is claiming exemption from the requirements of subsection (f) of the Act, RRB has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his or her records in this system of records. These procedures are described elsewhere in this Part.

(xii) 5 U.S.C. 552a(g) provides for civil remedies if an agency fails to comply with the requirements concerning access to records under subsections (d)(1) and (3) of the Act; maintenance of records under subsection (e)(5) of the Act; and any rule promulgated thereunder, in such a way as to have an adverse effect on an individual. Since the RRB is claiming that this system of records is exempt from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (4)(G), (H), and (I), (5), and (8), and (f) of the Act, the provisions of subsection (g) of the Act are inapplicable and are exempted to the extent that this system or records is exempted from those subsections of the Act.

* * * * *

By the authority of the Board.
Dated: January 28, 1988.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 88-2370 Filed 2-3-88; 8:45 am]
BILLING CODE 7905-01-M

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20 CFR Parts 346, 355, and 359

Railroad Hiring

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby redesignates 20 CFR Part 359 as 20 CFR Part 346, and removes it from Subchapter E as published in the **Federal Register** on Thursday, May 21 1987 (52 FR 19133). A final rule published on December 16, 1987 (52 FR 47705), added a new Subchapter E, consisting of Part 355. This amendment will move the sole remaining section of Part 359 to a more appropriate position in the Board's regulations, and properly places Part 355 in new Subchapter E.

EFFECTIVE DATE: February 4, 1988.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Upon publication of 20 CFR Part 355 in the **Federal Register** on December 16, 1987 (52 FR 47705), it was determined that the designation of Subchapter E, Railroad Vacancy Reporting and Hiring Requirements, for Part 359, as published in the **Federal Register** on Thursday, May 21, 1987 (52 FR 19133), was in error, as only one section of Part 359, § 359.7, remains in effect, and would have appeared as a single section in its own Subchapter E, in the April 1, 1988 codification of the CFR; all other sections of Part 359 as published on May 31, 1987, ceased to be effective as of the close of business on August 12, 1987 in accordance with the sunset provision of § 359.8. Part 359 is therefore redesignated as Part 346, and § 359.7 is redesignated as § 346.1, in order to move the one remaining section into a more appropriate Subchapter C, Regulations Under the Railroad Unemployment Insurance Act.

Subchapter E, Administrative Remedies for Fraudulent Claims or Statements, and Part 355, Regulations Under the Program Fraud Civil Remedies Act of 1986, which were published as a final rule on December 16, 1987 (52 FR 47705), is therefore correctly positioned in the Board's regulations.

This document was not published as a proposed rule, and public comment was not invited, as the final rule does not affect applicable regulations in any way; it merely corrects the designation and placement of CFR parts within the Board's regulations.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore no regulatory impact analysis is required. In addition, no requirements for the collection of information within the meaning of the Paperwork Reduction Act of 1980 are imposed. (The information collection approved by the Office of Management and Budget for § 359.3, control number 3220-0122, is no longer applicable as that section ceased to be effective due to the sunset provision of § 359.8, as of the close of business on August 12, 1987.)

List of Subjects

20 CFR Part 346

Railroad employees, Railroad employment, Railroads, Railroad hiring.

20 CFR Part 355

Administrative practice and procedure, Fraud, Investigations, Organizations and functions (Government agencies), Penalties, Railroad Retirement Board.

20 CFR Part 359

Railroad employees, Railroad employment, Railroads, Railroads hiring.

For the reasons set out in the Preamble, Title 20, Chapter II, of the Code of Federal Regulations is amended as follows:

1. The Subchapter E heading, *Railroad Vacancy and Hiring Requirements*, as published in the **Federal Register** in May 21, 1987 (52 FR 19133), is removed.

PART 359—[REMOVED]

2. Part 359 is removed.

3. Part 346 is added to Subchapter C to read as follows:

PART 346—RAILROAD HIRING

Authority: 45 U.S.C. 362(l).

§ 346.1 Central register.

(a) The Board shall maintain a central register of railroad employees with at least one year of service who have declared their current availability for rail industry employment. The register shall indicate which of those employees claims a first right of hire.

(b) The central register shall be subdivided by class and craft of prior employment and shall be updated periodically to reflect current employee availability.

(c) Upon request, listings of employees named in the central register and selected on the basis of job experience, location of residence, claimed hiring preference, last railroad employer or other available selection criteria will be furnished to railroads. Railroads may provide written notice of job vacancies to selected employees listed on the register. The railroad notice to the employees should contain job qualification requirements and application instructions. If the railroad requests, the Board shall notify the employees of the vacancy.

PART 355—REGULATIONS UNDER THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

4. Subchapter E, Administrative Remedies for Fraudulent Claims or Statements, and Part 355, Regulations Under the Program Fraud Civil Remedies Act of 1986, continue to read as published in the **Federal Register** on December 16, 1987 (52 FR 47705).

5. The authority citation for Part 355 continues to read as follows:

Authority: 31 U.S.C. 3809.

Dated: January 29, 1988.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 88-2266 Filed 2-3-88; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-88-1323; FR-2241]

Mutual Insurance Programs Under the National Housing Act; Direct Endorsement Processing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule revises HUD's Direct Endorsement Program to Establish a dual certification procedure. Under the new procedure the direct endorsement mortgagee's underwriter will certify as to the eligibility of the property and mortgagor while the Direct Endorsement Mortgagee (through its authorized representative) may then certify as to matters relating to the actual closing of the loan. The rule will accelerate mortgage processing and case submissions to HUD, and will also set forth more explicitly the responsibilities of mortgagees and their underwriters under the Direct Endorsement Program.

EFFECTIVE DATE: Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), this final rule cannot become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice of the effective date of this rule following expiration of the 30-session-day waiting period. Whether or not the statutory waiting period has expired, this rule will *not* become effective until HUD's separate notice is published announcing a specific effective date.

FOR FURTHER INFORMATION CONTACT: Morris E. Carter, Director, Single Family Development Division, Office of Single Family Housing Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1983, HUD published regulations at 48 FR 11928 for a new program involving direct underwriting in insured single family mortgage loans by approved mortgage lenders. (See 24 CFR 200.163-.164.) Under this program, the lender has the responsibility for underwriting and closing the mortgage loan and for submission of the loans to HUD for insurance endorsement, without need of any prior HUD commitment. This Direct Endorsement Program does not replace the existing mortgage insurance application procedure, but is available in addition to the existing procedure. The purpose of the new program is to simplify and expedite the process by which mortgagees can secure mortgage insurance endorsements from HUD.

Experience under the program indicated that most participating direct endorsement mortgagees consolidated their underwriting activities into central locations covering a number of branches, field offices, and in some cases, the mortgagee's nationwide lending activity. This usually meant that at each step in the processing, *i.e.*, appraisal review, credit review, submission for endorsement, documents were sent to the mortgagee's underwriter and upon approval, were returned to the originating office. Concern was expressed by participating mortgagees that, especially in the case of a resubmission of the closed mortgage package to the underwriter for review and certification, the existing procedure created unnecessary delays in submitting cases to HUD.

Under the regulation then in effect, underwriters were required to certify as to *all* phases of loan processing, for and on behalf of the mortgagee. This was required even though both the mortgagee and underwriter could be held accountable. In the event of improper processing, the mortgagee could be sanctioned under 24 CFR 200.163(h), and the underwriter under 24 CFR Part 24.

HUD's response to this problem was to publish, on April 10, 1987, a proposed rule (52 FR 11686) which proposed to effectively separate those functions relating to underwriting and mortgagor approval from those associated with closing and insuring. The latter functions could be carried out by the direct endorsement mortgagee or its representative.

Specifically, the rule would permit a representative of the mortgagee (who does not need to be the underwriter) to certify as to the following closing-

related items: (A) That the mortgage contains certain provisions required under specific sections in Part 203, 221 or 234, as applicable; (B) that the mortgage covers real estate held in fee or under a renewable 99-year leasehold; (C) that any GPM (graduated payment mortgage), modified GPM, GEM (growing equity mortgage) or ARM (adjustable rate mortgage) meets relevant regulatory requirements; (D) that the property meets applicable flood plain requirements; (E) that the stated mortgage amount meets applicable regulatory requirements; (F) that the mortgagor has made the required minimum investment; (G) that a mortgage involving refinancing does not exceed the specified maximum mortgage amounts for such mortgages; and (H) for a property in an outlying area, that the requirements of 24 CFR 203.18(d) are met.

Public Comments on Proposed Rule

Five public comments were received on the proposed rule. Two were from trade associations, two from mortgage banking companies and one from an individual attorney. All but the individual attorney were in favor of the proposal. The attorney, though in opposition, did not specifically address the rule but rather, criticized HUDs processing procedures generally.

One favorable commenter did express a specific concern with respect to the rule. The commenter believes that the division of the Underwriter's Certification will detract from the overall quality and control of the program in cases where an individual other than the underwriter is able to clear conditions previously set by the underwriter on either appraisal or credit approval. It is not the intent of the dual certification program that such actions be permitted. Clearly, conditions placed upon a commitment by an underwriter may only be cleared by that underwriter. The mortgagee certification would be subsequent to such action by the underwriter and would involve certification of closing items only. Further, both certifications may be made by the underwriter at the discretion of the mortgagee who is ultimately responsible for the quality of the submission to the Department.

Given a generally favorable public response, and upon futher review and consideration, the Department has determined to adopt the proposed rule as final without revision or amendments.

Findings and Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not: (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markers.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule merely provides for a more efficient loan processing procedure, which should prove beneficial to both small and large entities.

The information collection requirements contained in this rule were submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520. All requirements have been approved and have been assigned OMB control number 2502–0274.

This rule was listed as item number H–29–86 (Sequence Number 910) under the Office of Housing in the Department's Semiannual Agenda of Regulations published on October 26, 1987 (52 FR 40358); pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The catalog of Federal Domestic Assistance numbers are 14.105 through 14.165.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Mortgage insurance, Homeownership.

Accordingly, 24 CFR Part 200 is amended as follows:

PART 200—INTRODUCTION

1. The authority citation for 24 CFR Part 200 continues to read as follows:

Authority: Titles I and II, National Housing Act (12 U.S.C. 1701–1715z–18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). Subpart G is issued under sec. 214, Housing and Community Development Act of 1980, as amended by sec. 329, Housing and Community Development Amendments of 1981 (42 U.S.C. 1436a).

2. Section 200.163 is amended by adding a new paragraph (b)(5)(xi), and by revising paragraphs (c) and (d)(6), to read as follows:

§ 200.163 Direct endorsement.

* * * * *

(b) * * *

(5) * * *

(xi) A mortgagee closing certification on a form prescribed by the Secretary, stating that the authorized representative of the mortgages (or loan correspondent sponsored by the mortgagee) who is making the certification has personally reviewed the mortgage documents and the application for insurance endorsement and certifying that the mortgage complies with the requirements of this paragraph (b). This mortgagee certification is in addition to any certifications required of the mortgagee or the mortgagor (or both) on HUD forms 92800 and 92900. The certification shall include (in addition to any supplemental certification items prescribed and published under paragraph (f) of this section) each of the below-listed certification items which apply to the mortgage loan submitted for endorsement:

(A) That the mortgage satisfies the requirements (as appropriate) of 24 CFR 203.17, or the requirements of 24 CFR 221.5, 221.25, 221.30, 221.32, 221.35, 221.40, and 221.45 or 234.25;

(B) That the mortgage shall be on real estate held in fee simple, or on a leasehold under a lease for not less than 99 years which is renewable, or under a lease which otherwise meets the requirements of 24 CFR 203.37, or 203.37 as made applicable in § 221.1(a), or § 234.65;

(C) That any graduated payment mortgage meets the requirements established under 24 CFR 203.45 or 234.75; any growing equity mortgage meets the requirements established under 24 CFR 203.47 or 234.77; and any adjustable rate mortgage meets the requirements established under 24 CFP 203.49 or 234.79;

(D) That the property covered by the mortgage meets the flood plain requirements set forth in § 203.16a, or § 203.16a as made applicable in § 221.1(a), or § 234.17;

(E) That the stated mortgage amount (*1*) satisfies the requirements of 24 CFR 203.18, 203.18a, 203.18b, 203.29, or § 203.29 as made applicable in §§ 2221.1(a), 221.10, 221.11, 221.20, 221.50, 234.27, or 234.49; and (*2*) for a mortgage given to refinance a mortgage, the stated amount satisfies the limitations set forth in paragraph (b)(5)(xi)(E)(i) of this section, and any further limitation prescribed by the Secretary;

(F) That the mortgagor has made the minimum investment required by 24 CFR 203.19, 221.50, or 234.28, and no prepaid expenses other than those listed in 24 CFR 221.54 and those specifically approved by the Secretary were included in determining the mortgator's minimum investment;

(G) That for a mortgage involving refinancing to be insured under 24 CFR 221.21, the mortgage, in addition to the limitations contained in §§ 221.10, 221.11 and 221.20, does not exceed the estimated cost of repair and rehabilitation and the amount required to refinance the existing indebtedness secured by the property;

(H) That for a property located in an outlaying area, the mortgage meets the requirements of 24 CFR 203.18(d); and

(I) That a mortgage to be insured under section 234(c) of the National Housing Act meets the requirements of 24 CFR 234.59.

(c) *Underwriter certification.* The underwriter shall personally review the appraisal report and credit application (including the analysis performed on the worksheets) and shall certify, for and on behalf of the mortgagee on a form prescribed by the Secretary, that the proposed mortgage complies with HUD underwriting requirements. For each mortgage reviewed, this Underwriter Certification shall include an identification of the mortgage by type, as identified under § 200.163(a)(3); a statement that the underwriter has personally reviewed the relevant documents; and a statement that the mortgage complies with the requirements of this paragraph (c). The Underwriter Certification is in addition to any certifications required of the mortgagee, the mortgagor, or both on HUD forms 92800 and 92900. The Underwriter Certification shall include (in addition to any supplemental certification items prescribed and published under paragraph (f) of this section) each of the below-listed certification items which apply to the mortgage loan submitted for endorsement:

(1) That the mortgage property is located in a community where the housing standards meet the requirements of the Secretary as required by 24 CFR 203.40;

(2) That there is located on the mortgage property a dwelling unit designed principally for residential use for not more than four families, as required by 24 CFR 203.38, or by 203.38 as made applicable in § 221.1(a);

(3) That the mortgagor's monthly mortgage payments will not be in excess of his or her reasonable ability to pay, as required under 24 CFR 203.21 or § 203.21 as made applicable in 221.1(a), or as required under § 234.36;

(4) That the mortgagor's income is and will be adequate to meet the periodic payments required for the mortgage submitted for insurance, as required by 24 CFR 203.33, or 203.33 as made applicable in § 221.1(a), or § 234.56;

(5) That the mortgagor's general credit standing is satisfactory, as required under 24 CFR 203.34, or 203.34 as made applicable in § 221.1(a), or § 234.57;

(6) That the buildings on the property secured by the mortgage comply with the applicable property standards issued by HUD as required by 24 CFR Part 200, Subpart S, for proposed construction, and the standards set forth in HUD Handbooks 4905.1, for existing construction, and 4940.4, for rehabilitation construction;

(7) In cases where the mortgaged property is subject to—

(i) A secondary mortgage or loan made or insured, or other secondary lien held, by a Federal State or local government agency or instrumentality or

(ii) A second mortgage held by a mortgagee that is not a Federal, State or local governmental agency or instrumentality or

(iii) A junior (second or third) mortgage securing the repayment of funds advanced to reduce the mortgagor's monthly payments on the insured mortgage following the date it is insured; that the applicable requirements of 24 CFR 203.32(b), (c) or (d), 203.32(b), (c) or (d) as made applicable in § 221.1(a), or § 234.55 are met;

(8) That the property designed for a two-, three- or four-family residence has one of the dwelling units occupied by the mortgagor, as required by 24 CFR 221.12;

(9) For a condominium unit, that the mortgaged property is in a project that has been approved by HUD under 24 CFR 234.26;

(10) In the case of proposed or new construction to which 24 CFR 203.12 is applicable, that the property covered by the application for insurance meets the requirements of 24 CFR 203.12(c); and

(11) That the property covered by the mortgage is not located in an area that is precluded from receiving Federal financial assistance pursuant to the Coastal Barrier Resources Act (Pub. L. 97-349).

(d) * * *

(6) That all necessary certifications are made in accordance with paragraph (b) and (c) of this section.

* * * * *

(Approved by the Office of Management and Budget under control number 2502-0274.)

Dated: January 27, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 88-2253 Filed 2-3-88; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF JUSTICE

28 CFR Part 42

[Atty. Gen. Order No. 1249-88]

Enforcement of Nondiscrimination on the Basis of Handicap in Department of Justice Federally Assisted Programs or Activities

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This regulation amends the regulation issued by the Department of Justice for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

EFFECTIVE DATE: March 7, 1988.

ADDRESS: Comments received on the Notice of Proposed Rulemaking will be available for public inspection in Room 854 of the HOLC Building, 320 First Street NW., Washington DC, from 9:00 a.m. to 5:00 p.m., Monday through Friday

except legal holidays until April 4, 1988. Copies of this final rule are available on tape for persons with impaired vision. They may be obtained at the above address.

FOR FURTHER INFORMATION CONTACT: Irene Bowen, Supervisory Attorney, Community Services Unit, Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, Washington, DC 20530; (202) 724–2245 [voice or TDD]; or Merrily F. Raffa, Attorney, Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, Washington, DC 20530; (202) 724–2216 [voice] or 724–7678 [TDD]. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: On March 27, 1987 (52 FR 9885), the Department of Justice published a Notice of Proposed Rulemaking (NPRM) that would amend the regulation issued by the Department for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to UFAS. The Department received five comments in response to the NPRM. Three comments came from State organizations representing individuals with handicaps, and two came from other such organizations. Each comment was read and carefully considered in developing this final rule. The final rule is identical to the NPRM except for substitution of the term "persons with physical handicaps" for "physically handicapped persons" in § 42.522(b)(2). The revision was made to be consistent with section 103(d) of the Rehabilitation Act Amendments of 1986, which changed the statutory term "handicapped individual" to "individual with handicaps."

Background

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), provides that

> No otherwise qualified individual with handicaps in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *.

The existing Department of Justice section 504 regulation for federally assisted programs requires that new construction be designed and built to be accessible and that alterations of facilities be made in an accessible manner. It states that new construction or alteration accomplished in accordance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1–1961 (R1971), meets the requirements of section 504. The revision set forth in this document will reference UFAS in place of the current standard.

On August 7, 1984, UFAS was issued by the four agencies establishing standards under the Architectural Barriers Act (49 FR 31528) (see discussion *infra*). This Department, as the agency responsible under Executive Order 12250 for coordinating the enforcement of section 504, has recommended that agencies amend their section 504 regulations for federally assisted programs or activities to establish that, with respect to new construction and alterations, compliance with UFAS shall be deemed to be compliance with section 504. Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

Background of Accessibility Standards

The Architectural Barriers Act of 1968, 42 U.S.C. 4151–4157, requires certain Federal and federally funded buildings to be designed, constructed, and altered in accordance with accessibility standards. It also designates four agencies (the General Services Administration, the Departments of Defense and of Housing and Urban Development, and the U.S. Postal Service) to prescribe the accessibility standards. Section 502 of the Rehabilitation Act of 1973 established the Architectural and Transportation Barriers Compliance Board (ATBCB). In 1978 the Rehabilitation Act was amended to require the ATBCB, *inter alia*, to issue minimum guidelines and requirements for the standards to be issued by the four standard-setting agencies. The minimum guidelines were published on August 4, 1982 (47 FR 33862), and are codified at 36 CFR Part 1190.[1]

[1] The ATBCB Office of Technical Services is available to provide technical assistance to recipients upon request relating to the elimination of architectural barriers. Its address is: U.S. ATBCB, Office of Technical Services, 330 C Street SW., Washington, DC 20201. The telephone number is (202) 472–2700 [voice/TDD]. This is not a toll free number.

On August 7, 1984, the four standard-setting agencies issued the Uniform Federal Accessibility Standards as an effort to minimize the differences among the four agencies' Barriers Act standards, and among those standards and accessibility standards used by the private sector. The General Services Administration (GSA) and Department of Housing and Urban Development (HUD) have incorporated UFAS into their Barriers Act regulations (*see* 41 CFR Subpart 101–19.6 (GSA) and 24 CFR Part 40 (HUD)). In order to ensure uniformity, UFAS was designed to be consistent with the scoping and technical provisions of the ATBCB's minimum guidelines and requirements, as well as with the technical provisions of ANSI A117.1–1980, published by the American National Standards Institute (ANSI). (The 1980 ANSI standard contains few scoping provisions.) ANSI is a private, national organization that publishes recommended standards on a wide variety of subjects. ANSI's original accessibility standard, ANSI A117.1, "Specifications for Making Buildings and Facilities Accessible to, and Usable by, Physically Handicapped People," was published in 1961 and reaffirmed in 1971. The current edition, issued in 1986, is ANSI A117.1–1986. The 1961, 1980, and 1986 ANSI standards are frequently used in private practice and by State and local governments.

This regulation amends the current regulation implementing section 504 in programs or activities receiving Federal financial assistance from the Department of Justice to refer to UFAS.

This Department has determined that it will not require the use of UFAS, or any other standard, as the sole means by which recipients can achieve compliance with the requirement that new construction and alterations be accessible. To do so would unnecessarily restrict recipients' ability to design for particular circumstances. In addition, it might create conflicts with State or local accessibility requirements that may also apply to recipients' buildings and that are intended to achieve ready access and use. It is expected that in some instances recipients will be able to satisfy the section 504 new construction and alteration requirements by following applicable State or local codes, and vice versa.

Effect of Amendment

The amendment does not affect the current section 504 requirement that new facilities be designed and constructed to be readily accessible to and usable by persons with handicaps

and that alterations be accessible to the maximum extent feasible. It merely provides that compliance with UFAS with respect to buildings (as opposed to "facilities," a broader term that encompasses buildings as well as other types of property) shall be deemed compliance with these requirements with respect to those buildings. Thus, for example, an alteration is accessible "to the maximum extent feasible" if it is done in accordance with UFAS. It should be noted that UFAS contains special requirements for alterations where meeting the general standards would be impracticable or infeasible (*see, e.g.*, UFAS sections 4.1.6(1)(b), 4.1.6(3), 4.1.6(4), and 4.1.7).

The amendment also includes language providing that departures from particular UFAS technical and scoping requirements are permitted so long as the alternative methods used will provide substantially equivalent or greater access to and utilization of the building. Allowing these departures from UFAS will provide recipients with necessary flexibility to design for special circumstances and will facilitate the application of new technologies that are not specified in UFAS. As explained under "Background of Accessibility Standards," it is anticipated that compliance with some provisions of applicable State and local accessibility requirements will provide "substantially equivalent" access. In some circumstances, recipients may choose to use methods specified in model building codes or other State or local codes that are not necessarily applicable to their buildings but that achieve substantially equivalent access.

The amendment requires that the alternative methods provide "substantially" equivalent or greater access, in order to clarify that the alternative access need not be precisely equivalent to that afforded by UFAS. Application of the "substantially equivalent access" language will depend on the nature, location, and intended use of a particular building. Generally, alternative methods will satisfy the requirement if in material respects the access is substantially equivalent to that which would be provided by UFAS in such respects as safety, convenience, and independence of movement. For example, it would be permissible to depart from the technical requirement of UFAS section 4.10.9 that the inside dimensions of an elevator car be at least 68 inches or 80 inches (depending on the location of the door) on the door opening side, by 54 inches, if the clear floor area and the configuration of the car permits wheelchair users to enter the car, make a 260° turn, maneuver within reach of controls, and exit from the car. This departure is permissible because it results in access that is safe, convenient, and independent, and therefore substantially equivalent to that provided by UFAS.

With respect to UFAS scoping requirements, it would be permissible in some circumstances to depart from the UFAS new construction requirement of one accessible principal entrance at each grade floor level of a building (see UFAS section 4.1.2(8)), if safe, convenient, and independent access is provided to each level of the new facility by a wheelchair user from an accessible principal entrance. This departure would not be permissible if it required an individual with handicaps to travel an extremely long distance to reach the spaces served by the inaccessible entrances or otherwise provided access that was substantially less convenient than that which would be provided by UFAS.

It would not be permissible for a recipient to depart from UFAS' requirement that, in new construction of a long-term care facility, at least 50% of all patient *bedrooms* be accessible (see UFAS section 4.1.4(9)(b)), by using large accessible wards that make it possible for 50% of all *beds* in the facility to be accessible to individuals with handicaps. The result is that the population of individuals with handicaps in the facility will be concentrated in large wards, while able-bodied persons will be concentrated in smaller, more private rooms. Because convenience for persons with handicaps is therefore compromised to such a great extent, the degree of accessibility provided to persons with handicaps is not substantially equivalent to that intended to be afforded by UFAS.

For correctional facilities, including jails, prisons, reformatories, and other detention facilities, UFAS requires that five percent of all residential units, or at least one unit (whichever is greater), be accessible. However, all areas of common use or visitor use, and areas in which persons with physical handicaps may be employed, must be accessible (see UFAS section 4.1(9)(c)).

It should be noted that the amendment does not require that existing buildings leased by recipients meet the standards for new construction and alteration. Rather, it continues the current Federal practice under section 504 of treating newly leased buildings as subject to the program accessibility standard for existing facilities.

Buildings under design on the effective date of this amendment will be governed by the amendment if the date that bids were invited falls after the effective date. This interpretation is consistent with the General Services Administration's Architectural Barriers Act regulation incorporating UFAS, at 41 CFR Subpart 101–19.6.

The revision includes language modifying the effect of UFAS section 4.1.6(1)(g), which provides an exception to UFAS 4.1.6, *Accessible buildings: alterations.* Section 4.1.6(1)(g) of UFAS states that "mechanical rooms and other spaces which normally are not frequented by the public or employees of the building or facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from the requirements of 4.1.6." Particularly after the development of specific UFAS provisions for housing alterations and additions, UFAS section 4.1.6(1)(g) could be read to exempt alterations to privately owned residential housing, which is not covered by the Architectural Barriers Act unless leased by the Federal Government for subsidized housing programs. This exception, however, is not appropriate under section 504, which protects beneficiaries of housing provided as part of a federally assisted program. Consequently, the proposed amendment provides that, for purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only spaces that, because of their intended use, will not require accessibility to the public or beneficiaries, or residents or employees with handicaps.

The revision also provides that whether or not the recipient opts to follow UFAS in satisfaction of the ready access requirement, the recipient is not required to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member. This provision does not relieve recipients of their obligation under the current regulation to ensure program accessibility.

This document is an adaptation of a prototype prepared by this Department under Executive Order 12250 (45 FR 72995, 3 CFR, 1980 Comp., p. 298).

The Architectural and Transportation Barriers Compliance Board has been consulted in the development of this document in accordance with 28 CFR 41.7.

This regulation is not a major rule within the meaning of Executive Order 12291 46 FR 13193, 3 CFR, 1981 Comp., p. 127) because it imposes no new

requirements. Therefore, a regulatory impact analysis has not been prepared.

This regulation does not have an impact on small entities and, therefore, is not subject to the Regulatory Flexibility Act (5 U.S.C. 601–612).

List of Subjects in 28 CFR Part 42

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons stated in the preamble, Part 42 of title 28 of the Code of Federal Regulations is amended as follows:

PART 42—NONDISCRIMINATION; POLICIES AND PROCEDURES

1. The authority citation for Subpart G of Part 42 is revised to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; 29 U.S.C. 706, 794; E.O. 12250.

2. In § 42.522, paragraph (b) is revised to read as follows:

§ 42.522 New construction.

* * * * *

(b) *Conformance with Uniform Federal Accessibility Standards.* (1) Effective as of March 7, 1988, design, construction, or alteration of buildings in conformance with sections 3–8 of the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR Subpart 101–19.6) shall be deemed to comply with the requirements of this section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

(2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of persons with physical handicaps.

(3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

Edwin Meese III,

Attorney General.

January 27, 1988.

[FR Doc. 88–2262 Filed 2–3–88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-87-60]

Drawbridge Operation Regulations; Whitcomb Bayou, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Pinellas County, the Coast Guard is changing the regulations governing the Beckett Bridge at Whitcomb Bayou in Tarpon Springs, Pinellas County, Florida, by requiring that advance notice of opening be given seven days a week. This change is being made because of a very low volume of requests for opening the draw. This action will relieve the bridgeowner of the burden of having a person constantly available on weekends to open the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on March 7, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Zonia Reyes, at (305) 536–4103.

SUPPLEMENTARY INFORMATION: On November 25, 1987, the Coast Guard published proposed rule (52 FR 45202) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated December 4, 1987. In each notice, interested persons were given until January 11, 1988 to submit comments.

Drafting Information: The drafters of these regulations are Ms. Zonia Reyes, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Comments: No comments were received.

The final rule is unchanged from the proposed rule published on November 13, 1987.

Economic Assessment and Certification: These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because bridge openings are infrequent. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.341 is revised to read as follows:

§ 117.341 Whitcomb Bayou.

The draw of the Beckett Bridge, mile 0.5, at Tarpon Springs, Florida shall open on signal if at least two hours notice is given.

Dated: January 27, 1988.

H. B. Thorsen,

Rear Admiral, U.S. Coast Guard; Commander, Seventh Coast Guard District.

[FR Doc. 88–2320 Filed 2–3–88; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Adjudication; Pensions, Compensation, Dependency, etc.; Miscellaneous Amendments

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: In the **Federal Register** of September 19, 1972, on page 19132 (37 FR 19132) there appeared a final rule containing miscellaneous amendments to Part 2 and Part 3 of Title 38, Code of Federal Regulations. Material which was to appear in both Part 2 and Part 3 did appear in Part 2 (§ 2.68a), but was inadvertently omitted from Part 3 (§ 3.100(c)). This notice corrects that error.

EFFECTIVE DATE: June 30, 1972.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 357–6503.

Dated: January 29, 1988.

Priscilla B. Carey,

Chief, Directives Management Division.

PART 3—[AMENDED]

In 38 CFR Part 3, Adjudication, § 3.100 is amended by revising paragraph (c) to read as follows:

§ 3.100 Delegations of authority.

* * * * *

(c) Authority is delegated to the Director, Compensation and Pension Service, and to personnel of that service designated by him to determine whether a claimant or payee has forfeited the right to gratuitous benefits or to remit a prior forfeiture pursuant to the provisions of 38 U.S.C. 3503 or 3504. See § 3.905.

(Authority: 38 U.S.C. 212(a))

[FR Doc. 88-2269 Filed 2-3-88; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21

Veterans Education; All Volunteer Force Educational Assistance Program

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: In the **Federal Register** of January 22, 1988, on pages 1756 through 1779 (53 FR 1756-1779) the Veterans Administration (VA) published a final rule to implement those provisions of the Veterans' Educational Assistance Act of 1984 which established a new educational assistance program for veterans and servicemembers, and the provisions of the Department of Defense Authorization Act, 1986, which affect that program. In three places, a reference in the text was inadvertently in error. This notice corrects that previously published information.

EFFECTIVE DATE: October 19, 1984.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

Dated: January 29, 1988.

Priscilla B. Carey,

Chief, Directives Management Division.

PART 21—[AMENDED]

38 CFR Part 21, Vocational Rehabilitation and Education, is amended as follows:

§ 21.7110 [Amended]

1. In § 21.7110, paragarph (b)(1), remove the words "§ 21.7020(b)(22)" where they appear and add, in their place, the words "§ 21.7020(b)(23)", and in paragraph (b)(2) remove the numbers "(21)" where they appear and add, in their place, the numbers "(22)".

§ 21.7120 [Amended]

2. In § 21.7120, remove the words "§ 21.7020(b)(22)" in the introductory text and add, in their place, the words "§ 21.7020(b)(23)".

[FR Doc. 88-2268 Filed 2-3-88; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 36

Decrease in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202-233-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by the VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional manufactured home loans, and the decrease of other short-term and long-term interest rates—have shown that the manufactured home capital markets have improved. It is now possible to decrease the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans including graduated payment mortgage loans, and loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register** (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which

would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of title 38, United States Code.

These decreases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c) and 36.4503(a), title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: January 29, 1988.

By direction of the Administrator.

James E. DeWire,

Chief of Staff.

38 CFR Part 36, Loan Guaranty, is amended as follows:

PART 38—[AMENDED]

1. In § 36.4212, paragraph (a) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date:

(Authority: 38 U.S.C. 1819(f))

(1) Effective February 1, 1988, 12 percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective February 1, 1988, 11½ percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective February 1, 1988, 11½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

* * * * *

2. In § 36.4311, paragraphs (a), (b), and (c) are revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 9½ per centum per annum, effective February 1, 1988, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 9½ per centum per annum on the unpaid principal balance.

(Authority: 38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 9¾ per centum per annum, effective February 1, 1988, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 9¾ per centum per annum.

(Authority: 38 U.S.C. 1803(c)(1))

(c) Effective February 1, 1988, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 11 per centum per annum on the unpaid principal balance.

(Authority: 38 U.S.C. 1803(c)(1))

* * * * *

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the VA shall bear interest at the rate of 9½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 11 percent per annum.

(Authority: 38 U.S.C. 1811(d) (1) and (2)(A))

* * * * *

[FR Doc. 88-2267 Filed 2-3-88; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6774]

Flood Insurance, Alabama et al.; Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective date shown in this rule because of noncompliance with the revised floodplain management criteria of the NFIP. If FEMA receives documentation that the community has adopted the required revisions prior to the effective suspension date given in this rule, the community will not be suspended and the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATE: February 4, 1988.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street, SW., Washington, DC, (202) 646-2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting live and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the NFIP (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures.

On August 25, 1986, FEMA published a final rule in the **Federal Register** that revised the NFIP floodplain management criteria. The rule became effective on October 1, 1986. As a condition for continued eligibility in the NFIP, the NFIP criteria at 44 CFR 60.7 require communities to revise their floodplain management regulations to make them consistent with any revised NFIP regulation within 6 months of the effective date of that revision or be subject to suspension from participation in the NFIP.

The communities listed in this notice have not amended or adopted floodplain management regulations that incorporate the rule revision. Accordingly, the communities are not compliant with NFIP criteria and will be suspended on the effective date shown in this final rule. However, some of these communities may adopt and submit the required documentation of legally enforceable revised floodplain management regulations after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.** In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public procedures under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 90- and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to adopt adequate floodplain management measures, thus placing itself in noncompliance with the Federal standards required for community participation.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 40001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State	Community name	County	Effective date
Alabama	Alabaster, city of	Shelby	Feb. 4, 1988.
Do	Athens, city of	Limestone	Do.
Do	Autaugaville, town of	Autauga	Do.
Do	Bessemer, city of	Jefferson	Do.
Do	Brighton, town of	Jefferson	Do.
Do	Carbon Hill, town of	Walker	Do.
Florida	Unincorporated areas	Alachua	Do.
Do	Altamonte Springs, city of	Seminole	Do.
Do	Apalachicola, city of	Franklin	Do.
Do	Atlantis, city of	Palm Beach	Do.
Do	Belle Glade, city of	Palm Beach	Do.
Do	Belleair Bluffs, city of	Pinellas	Do.
Do	Belleair Shore, city of	Pinellas	Do.
Do	Brooksville, city of	Hernando	Do.
Do	Callaway, city of	Bay	Do.
Do	Casselberry, city of	Seminole	Do.
Do	Cedar Grove, city of	Bay	Do.
Do	Cedar Key, city of	Levy	Do.
Do	Unincorporated areas	Charlotte	Do.
Do	Unincorporated areas	Clay	Do.
Do	Clewiston, city of	Hendry	Do.
Do	Coconut Creek, city of	Broward	Do.
Georgia	Berkeley Lake, city of	Gwinett	Do.
Do	Unincorporated areas	Bryan	Do.
Do	Cave Spring, city of	Floyd	Do.
Do	Columbus, city of	Muscogee	Do.
Do	Fort Oglethorpe, city of	Catoosa	Do.
Kentucky	Catlettsburg, city of	Boyd	Do.
Do	Georgetown, city of	Scott	Do.
Do	Grayson, city of	Carter	Do.
Do	Greenup, city of	Greenup	Do.
Do	Unincorporated areas	Greenup	Do.
Do	Hazard, city of	Perry	Do.
Do	Unincorporated areas	Jefferson	Do.
Do	Jeffersontown, city of	Jefferson	Do.
Do	St. Matthews, city of	Jefferson	Do.
Do	Unincorporated areas	Woodford	Do.
Mississippi	Bay St. Louis, city of	Hancock	Do.
Do	Crenshaw, city of	Panola	Do.
Do	Florence, town of	Rankin	Do.
Do	Grenada, city of	Grenada	Do.
Do	Unincorporated areas	Grenada	Do.
Do	Gulfport, city of	Harrison	Do.
Do	Inverness, town of	Sunflower	Do.
Do	Isola, town of	Humphreys	Do.
North Carolina	Unincorporated areas	Chowan	Do.
Do	Creswell, town of	Washington	Do.
Do	Edenton, town of	Chowan	Do.

State	Community name	County	Effective date
Do	Gatesville, town of	Gates	Do.
Do	Hamilton, town of	Martin	Do.
Do	Kitty Hawk, town of	Dare	Do.
Do	Pantego, town of	Beaufort	Do.
Do	Unincorporated areas	Perquimans	Do.
Do	Southern Shores, town of	Dare	Do.
Do	Stonewall, town of	Pamlico	Do.
Do	Unincorporated areas	Washington	Do.
Do	Washington Park, town of	Beaufort	Do.
South Carolina	Bowman, town of	Orangeburg	Do.
Do	Branchville, town of	Orangeburg	Do.
Do	Unincorporated areas	Chester	Do.
Do	Columbia, city of	Richland	Do.
Do	Unincorporated areas	Dorchester	Do.
Do	Holly Hill, town of	Orangeburg	Do.
Do	Honea Path, town of	Anderson	Do.
Tennessee	Alcoa, city of	Blount	Do.
Do	Unincorporated areas	Anderson	Do.
Do	Arlington, town of	Shelby	Do.
Do	Bartlett, town of	Shelby	Do.
Do	Bristol, city of	Sullivan	Do.
Do	Charleston, city of	Bradley	Do.
Do	Clarkesville, town of	Montgomery	Do.
Do	Collierville, town of	Shelby	Do.
Do	Cowan, city of	Franklin	Do.
Do	Dechard, town of	Franklin	Do.
Do	East Ridge, city of	Hamilton	Do.
Do	Unincorporated areas	Wilson	Do.

Issued: January 28, 1988.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 88-2288 Filed 2-3-88; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, and 90

[CC Docket No. 86-495; FCC 87-387]

Common Carrier Services; Amendments to Rural Radio Service and Private Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission establishes basic exchange telecommunications radio service within the purview of the existing Rural Radio Service. The Commission makes frequencies available for this service from the Public Land Mobile Service and from the Private Land Mobile Service.

EFFECTIVE DATE: February 29, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Susan Magnotti, Mobile Services Division, Common Carrier Bureau, 202/632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, CC Docket 86-495, adopted December 10, 1987, and released January 19, 1988.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

On January 16, 1987, the Commission issued a Notice of Proposed Rulemaking requesting comment on the establishment of a new radio service to be known as the Basic Exchange Telecommunications Radio Service (BETRS). The NPRM was issued in response to a Petition for Rulemaking filed by the Rural Electrification Administration, the National Rural Telecom Association, the National Telephone Cooperative Association, the Organization for the Protection and Advancement of Small Telephone Companies, and the United States Telephone Association (hereinafter "Petitioners").

In the NPRM, the Commission acknowledged the Petitioners' estimate that almost 900,000 households do not have standard telephone service because the cost bringing wire or cable to their remote locations is prohibitive. The Commission found that Rural Radio Service is not adequately fulfilling its purpose because, first, the Rural Radio Service has secondary access to frequencies allocated to the Public Land Mobile Service, and second, because removal of the separate frequency allocation for PLMS wireline and non-wireline licensees could result in telephone companies losing Rural Radio Service frequencies to a radio common carrier apply for PLMS use.

Accordingly, in the NPRM, the Commission proposed three alternatives for making more frequencies available for radio loop technology to remote subscriber locations. First, the Commission proposed that the Rural Radio Service be changed from secondary to co-primary status with PLMS licensees. Second, the Commission proposed that Rural Service Area cellular licensees be permitted to use the cellular frequencies in any manner they choose to provide basic exchange telephone service to subscribers within their Cellular Geographic Service Area. Third, the Commission proposed that fifty frequency pairs in the Private Radio Service in the 800 MHz frequency band be available on a co-primary basis for BETRS.

In the Report and Order, the Commission finds that demand for BETRS is subject to widely differing estimates and therefore a discrete frequency band would not, at this time, be allocated. The Commission finds that BETRS can be accommodated by sharing frequency bands with existing services whose frequency allocations are lightly used or vacant in the rural areas where BETRS would operate.

Accordingly, BETRS is placed within the Rural Radio Service of Part 22 of the Commission's Rules, and Rural Radio Service is given co-primary access to PLMS frequencies. In addition, fifty pairs of Private Radio Service frequencies in the 800 MHz band are also made available on a co-primary basis for BETRS. Regarding the proposed expansion of cellular frequency use for fixed service, the Commission has, on October 15, 1987, released a Notice of Proposed Rulemaking (General Docket 87-390) which proposed to allow more flexible use of the cellular allocations. The Commission therefore deferred the question of fixed cellular service for consideration in that docket.

Eligibility for BETRS is limited to entities which are either a certificated local exchange carrier, or which can demonstrate authority from the state to provide BETRS, or which can show that no such authority is required by the state.

Ordering Clauses

Wherefore, for the foregoing reasons, Parts 2, 22 and 90 of the Commission's Rules are hereby amended as discussed herein and as shown in this Order;

It is further ordered that all Rural Radio Service licensees whose licenses were granted on a secondary basis are hereby upgraded to co-primary status with Public Land Mobile Service stations;

It further ordered that the rule changes made herein will become effective February 29, 1988;

It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Parts 2, 22, and 90

Communications equipment, Radio.

Amendments to the Commission's Rules

Part 2 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

§ 2.106 [Amended]

1a. Section 2.106 is amended by adding a reference to note "NG31" to the table section stating "806–821—LAND MOBILE" in column 5 (non-government allocation in the United States).

2. Section 2.106 is amended by adding a reference to note "NG31" to the table section stating "851–866—LAND MOBILE" in column 5 (non-government allocation in the United States).

3. Section 2.106 is amended by adding note "NG31" to read as follows:

* * * * *

NG31 Stations in the Rural Radio Service licensed for Basic Exchange Telecommunications Radio Service may be authorized to use some frequencies in the bands 816–820 MHz (fixed subscriber) and 861–865 MHz (central office or base), on a co-primary basis with private land mobile radio licensees, pursuant to Part 22 Subpart H.

* * * * *

Part 22 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 22—PUBLIC MOBILE SERVICE

1. The authority citation for Part 22 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303), sec. 553 of the Administrative Procedure Act (5 U.S.C. 553), unless otherwise noted.

2. Section 22.2 is amended by adding the definition "Basic Exchange Telecommunications Radio Service" and revising paragraph (1) of the "Rural Radio Service" definition as follows:

§ 22.2 Definitions.

* * * * *

Basic Exchange Telecommunications Radio Service. One of the public radio services available through the Rural Radio Service. This Service provides public message communication service between a central office and subscribers located in rural areas.

* * * * *

Rural Radio Service. * * * (1) Basic Exchange Telecommunications Radio Service, which is public message communication service between a central office and subscribers located in rural areas, * * *

* * * * *

3. Section 22.601(a) is revised to read as follows:

§ 22.601 Frequencies.

(a) Licensees authorized pursuant to this section may offer fixed service only. However, nothing in this part is intended to change the requirement of § 22.501(c) for entities licensed in the Public Land Mobile Service.

(1) The frequencies in paragraph (b) of this section are available to applicants in the Rural Radio Service, including Basic Exchange Telecommunications Radio Service, on a co-primary basis with stations in the Public Land Mobile Service;

(2) The frequencies in paragraph (c) of this section are available to applicants in the rural radio service, for the provision of Basic Exchange Telecommunications Radio Service, provided the following conditions are met:

(i) Rural radio service licensees may not use these frequencies within 100 miles of the border of the top 54 SMSAs as defined in the Domestic Cellular Radio Service;

(ii) The frequencies must be used as grouped and paired;

(iii) Rural radio licensees must protect licensed systems at the time of grant;

(iv) The same frequency group may not be reassigned to a base station within 70 miles of another base station on the same channels or channels offset by 12.5 kHz;

(v) Technical parameters for the use of these frequencies are contained in Subpart S and Subpart M of Part 90 of the Commission's Rules;

(vi) Applications for the use of these frequencies should be submitted by applicant to the Common Carrier Bureau for review, from where they will be forwarded to the Private Radio Bureau for coordination and frequency availability;

(3) For the Canadian Regions and within 68.4 miles of the Mexican border, the frequencies in paragraph (c) of this section are not available.

(4) All applicants in the Basic Exchange Telecommunications Radio Service must have first acquired whatever authorization is needed to provide this service from the state in which applicant proposes to offer BETRS. If no authorization is needed in the state in which applicant proposes to offer BETRS, applicant should so indicate in its application.

* * * * *

4. Existing §§ 22.601(c) through 22.601(f) are redesignated as §§ 22.601(d) through 22.601(g), and a new § 22.601(c) is added which will read as follows:

§ 22.601 Frequencies.

* * * * *

(c) The following frequencies are available on a co-primary basis for Basic Exchange Telecommunications Radio Service:

Subscriber location	Central office
816.2375	861.2375
817.2375	862.2375
818.2375	863.2375
819.2375	864.2375

Subscriber location	Central office
820.2375	865.2375
816.2125	861.2125
817.2125	862.2125
818.2125	863.2125
819.2125	864.2125
820.2125	865.2125
816.1875	861.1875
817.1875	862.1875
818.1875	863.1875
819.1875	864.1875
820.1875	865.1875
816.1625	861.1625
817.1625	862.1625
818.1625	863.1625
819.1625	864.1625
820.1625	865.1675
816.1375	861.1375
817.1375	862.1375
818.1375	863.1375
819.1375	864.1375
820.1375	865.1375
816.1125	861.1125
817.1125	862.1125
818.1125	863.1125
819.1125	864.1125
820.1125	865.1125
816.0875	861.0875
817.0875	862.0875
818.0875	863.0875
819.0875	864.0875
820.0875	865.0875
816.0625	861.0625
817.0625	862.0625
818.0625	863.0625
819.0625	864.0625
820.0625	865.0625
816.0375	861.0375
817.0375	862.0375
818.0375	863.0375
819.0375	864.0375
820.0375	865.0375
816.0125	861.0125
817.0125	862.0125
818.0125	863.0125
819.0125	864.0125
820.0125	865.0125

* * * * *

5. Section 22.609(d) introductory text and paragraph (d)(1) are revised to read as follows:

§ 22.609 Supplementary showing required with applications for rural radio service.

* * * * *

(d) All applications for Central Office, Inter Office and Relay Stations shall provide the following information:

(1) A showing listing all co-channel facilities required by § 22.15(b) and interference studies, pursuant to § 22.15(b)(2), demonstrating that the proposed facility will not cause harmful electrical interference to those co-channel facilities identified in § 22.15(b);

* * * * *

Part 90 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

1a. Section 90.362 is amended by adding new paragraph (f) to read as follows:

§ 90.362 Selection and assignment of frequencies.

* * * * *

(f) Channel numbers 401–410, 441–450, 481–490, 521–530, and 561–570 are available on a co-primary basis to stations in the Basic Exchange Telecommunications Radio Service as described in Part 22 of the Commission's Rules.

2. Section 90.621 is amended by adding new paragraph (j) to read as follows:

§ 90.621 Selection and assignment of frequencies.

* * * * *

(j) Channel numbers 401–410, 441–450, 481–490, 521–530, and 561–570 are available on co-primary basis to station in Basic Exchange Telecommunications Radio Service as described in Part 22 of the Commission's Rules.

Federal Communication Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–2199 Filed 2–3–88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

[MM Docket No. 85–349, GEN Docket No. 87–107; FCC 87–396]

Carriage of Television Broadcast Stations on Cable Television Systems and Technical Standards for Input Selector Switches

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Stay of Compliance Date.

SUMMARY: Action taken herein stays the date for compliance with the requirements of § 76.66 of the Commission's rules (input selector switch and consumer education) that was adopted in MM Docket 85–349 and GEN. Docket 87–107 until further notice.

EFFECTIVE DATE: December 23, 1987.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Roberts, Mass Media Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION: 1. On December 11, 1987, the United States Court of Appeals for the District of Columbia Circuit invalidated the must carry rules adopted by the Commission in MM Docket 85–349 (52 FR 45961, December 3, 1987), as incompatible with the first amendment. *Century Communications Corp.* v. *FCC*, slip op. (D.C. Cir., December 11, 1987). The court held that the Commission had not demonstrated that the new must carry rules furthered any substantial government interest so as to justify the incidental burden on first amendment interests under the test set forth in *United States* v. *O'Brien*, 391 U.S. 367 (1968).

2. There is some uncertainty in the wake of this decision as to the scope of the court's ruling. In particular, it is unclear whether the court's ruling invalidates all aspects of the Commission's order in that proceeding, that is, whether the ruling extends beyond the interim mandatory carriage obligations set forth in § 76.5 through 76.65 to include, as well, the input selector switch and consumer education requirements imposed by 47 CFR 76.66. Therefore, the Commission has today filed a motion for clarification of the *Century* decision with the United States Court of Appeals in order to resolve this matter.

3. In view of this motion, we believe it is appropriate to suspend the effectiveness of § 76.66 of the Commission's rule until the uncertainties of this decision are resolved. Therefore, we hereby stay the compliance date of § 76.66 of the Commission's rules as adopted in MM Docket No. 85–349 and GEN. Docket 87–107, pending further court and Commission action.

4. Accordingly, *it is ordered* That the date for compliance with Section 76.66 of the Commission's rules, 47 CFR § 76.66, is stayed until further notice. Authority for this action is provided in sections 4(i) and 303 of the Communications Act of 1934, as amended.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–2201 Filed 2–3–88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 80113-8013]

Pacific Halibut Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of final rule.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes notice of regulations promulgated by that Commission and approved by the United States Government to govern the Pacific halibut fishery. These regulations are intended to enhance the conservation of Pacific halibut stocks in order to help rebuild and sustain them at an adequate level in the northern Pacific Ocean.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, Chief, Fisheries Management Division, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115, telephone 206-526-6140; or Donald A. McCaughran, Executive Director, International Pacific Halibut Commission, P.O. Box 95009, University Station, Seattle, WA 98145, telephone 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, March 29, 1979), has promulgated new regulations governing the Pacific halibut fishery. These regulations are consistent with the catch-sharing plan adopted by the Pacific Fishery Management Council and approved by the Secretary of Commerce. These regulations have been approved by the Secretary of State of the United States and by the Government of Canada. On behalf of the IPHC, these regulations are published in the **Federal Register** to provide notice of their effectiveness and to inform persons subject to the regulations of their restrictions and requirements.

The current halibut regulations (52 FR 16268; May 4, 1987) are amended as follows. The sport fishing season in IPHC Regulation Area 2A originally scheduled to open February 1, 1988, will remain closed until further notice. For members of United States treaty Indian tribes, the subsistence and ceremonial fishing season in IPHC Regulatory Subarea 2A-1 originally scheduled to open April 1, 1988, will open February 1, 1988, with a special provision prohibiting the use of setline gear east of the Bonilla-Tatoosh Line from February 1 through March 31, 1988. Additional regulations to govern the 1988 halibut fisheries will be announced following the January 25-28, 1988, annual meeting of the IPHC in Sitka, Alaska.

Because approval by the Secretary of State of the IPHC regulations is a foreign affairs function, *Jensen v. National Marine Fisheries Service,* 512 F. 2d 1189 (9th Cir. 1975), 5 U.S.C. 553 of the Administrative Procedure Act, Executive Order 12291, and the Regulatory Flexibility Act do not apply to this notice of the effectiveness and content of the regulations. These regulations do not contain collection of information requirements subject to the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 301

Fisheries, Treaties, Reporting and recordkeeping requirements.

Dated: February 1, 1988.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 301 is amended as follows:

PART 301—[AMENDED]

1. The authority citation for Part 301 continues to read as follows:

Authority: 5 U.S.T. 5; T.I.A.S. 2900; 16 U.S.C. 773-773k.

2. In § 301.18, paragraph (b) is revised to read as follows:

§ 301.18 Sport fishing for halibut.

* * * * *

(b) Sport fishing for halibut in all waters off the coasts of California, Oregon, and Washington is prohibited until further notice.

* * * * *

3. In § 301.20, paragraph (f)(2) is revised to read as follows:

§ 301.20 United States treaty Indian tribes.

* * * * *

(f) * * *

(2) For members of the U.S. treaty Indian tribes, a subsistence and ceremonial fishing season in Subarea 2A-1 will commence on February 1, and terminate on December 31. From February 1 through February 28, 1988, and from November 1 through December 31, 1988, treaty Indians may take and retain, but not sell, up to two halibut per day caught on hook-and-line gear. From February 1 through March 31, 1988, the use of setline gear is prohibited east of the Bonilla-Tatoosh Line (defined as a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, then to Bonilla Point on Vancouver Island).

* * * * *

[FR Doc. 88-2361 Filed 2-1-88; 4:52 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 53, No. 23
Thursday, February 4, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket D-8908]

Prohibited Trade Practices; Encyclopaedia Britannica, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Notice of period for public comment on petition to reopen the proceeding and modify the order.

SUMMARY: Encyclopaedia Britannica, a corporate respondent in the order in Docket No. D-8908, is prohibited from making misrepresentations while recruiting sales representatives, promoting merchandise or services, or attempting to collect debts, and filed a petition on April 2, 1987 requesting that the Commission reopen the proceeding and either set aside the order, now or at a fixed future date, or modify the order. A supplemental request to reopen the proceeding was filed on September 22, 1987. A second supplemental request to reopen the proceeding has been filed on January 22, 1988. This document announces the public comment period on the supplemental petition.

DATE: The deadline for filing comments on this matter is February 28, 1988.

ADDRESS: Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

Requests for copies of the petition should be sent to Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: Jock K. Chung, Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326-2984.

SUPPLEMENTARY INFORMATION: The order in Docket No. D-8908 was published at 41 FR 17884 on April 29, 1976. A correction to the order was published at 41 FR 19301 on May 12, 1976. The original request to reopen the proceeding was published at 52 FR 12430 on April 16, 1987. The petitioner, Encyclopaedia Britannica, sells encyclopedias and related products and services direct to the consumer by means of in-home, over-the-counter, direct mail and telephone sales solicitation. The order modification request is based on claimed changes of fact and law. A supplemental petition was placed on the public record on September 22, 1987. A second supplemental petition was placed on the public record on January 22, 1988.

List of Subjects in 16 CFR Part 13

Encyclopedia sales, Trade practices.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 88-2276 Filed 2-3-88; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 653]

Santa Clara Valley Viticultural Area; CA

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF), is considering the establishment of a viticultural area located in West Central California, immediately south of San Francisco Bay. The petition was submitted by two winery owners located within the boundary of the proposed viticultural area. ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they may purchase. The establishment of viticultural areas also allows wineries to further specify the origin of wines they offer for sale to the public.

DATE: Written comments must be received by March 7, 1988.

ADDRESS: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC, 20044-0385 (Notice No. 653). Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226, (202) 566-7627.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, AFT published Treasury Decision AFT-53 (43 FR 37672, 54624) revising regulations in 27 CFR, Part 4. These regulations allow the establishment of definite viticultural areas.

On October 2, 1979, AFT published Treasury Decision AFT-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region which has been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy or copies of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF has received a petition proposing a viticultural area in Santa Clara, San Benito, San Mateo and Alameda Counties that extends from lower San Francisco Bay from the cities of San Jose, Santa Clara, Menlo Park, Mountain View and Fremont on the north to Gilroy and Morgan Hill on the southern end. Most of the proposed area is in Santa Clara County. The area is approximately 550 square miles or 352,000 acres.

There are 40 bonded wineries in the proposed viticultural area with approximately 1,500 acres of grapes. The proposed viticultural area is to be known as Santa Clara Valley. The petition was submitted by Mr. Eugene Guglielmo of Guglielmo Winery and Mr. Ernest Fortino of Fortino Winery. The Santa Clara Valley is in effect a southern extension of the depression partly filled by San Francisco Bay. It is protected from the Pacific Ocean by the Santa Cruz Mountains and separated from the San Joaquin Valley by the Diablo Range on the east.

Evidence of Name

In the 1770's, Spanish adventurers and ranchers impressed by the richness of the soil and mild climate, explored and settled in the area. In 1777, Franciscan friars chose the valley as the site of Mission Santa Clara and Mission San Jose and soon after their founding, planted grapes. The Cities of Santa Clara and San Jose were named after those early missions. In 1850 Santa Clara County became one of the twenty-seven original California counties. The name Santa Clara Valley became popularized during the early 1850's. The term "Santa Clara Valley" has been used in local books written from 1871 to present. The petitioner claims that the area has a proud and noble history as a grape-growing area. As stated by Mr. Leon Adams in his book, *The Wines of America*, "Santa Clara is the oldest of the northern California wine districts." The tourist pamphlet *San Jose—Santa Clara County, California (with full information on the Santa Clara Valley)* published by the San Jose Chamber of Commerce (circa 1905) described the Santa Clara Valley. It said that it is approximately 50 miles long (north to south) and approximately 25 miles wide (at the north end).

According to the petitioner the best evidence of the area's identification as the Santa Clara Valley is indicated on the U.S.G.S. maps that depict and name the entire valley area from a topographic viewpoint.

Historical or Current Evidence that the Boundaries of the Proposed Viticultural Area are Correct

The petitioner submitted 26 U.S.G.S. maps with the boundaries of the proposed viticultural area appropriately marked so that they include all vineyards and bonded wineries in the proposed area. A few small mountain vineyards exist north and west of San Jose, but the bulk of the valley's northernmost grape growing has faded under urban development and the adverse effects of smog.

Most of the remaining wineries (many operated by one or two persons) are found where the valley narrows south of San Jose in the Morgan Hill, Gilroy and Hecker Pass areas.

In 1982, the Santa Cruz Mountains viticultural area was approved by ATF (T.D. ATF-98, 46 FR 59240). This grape-growing area is located immediately to the west of the proposed Santa Clara Valley viticultural area. A portion of the western boundary of the proposed Santa Clara Valley viticultural area is shared with the eastern boundary of the Santa Cruz Mountains viticultural area.

Evidence Relating to the Geographic Features such as Climate, Soil, Elevation, Physical Features, etc. which set the proposed Santa Clara Valley Viticultural Area apart from the Surrounding Areas.

(a) Climate

All references to the Santa Clara Valley in early publications made mention of the rich fertile soil of the valley floor which was protected from the colder ocean conditions by the nearby Santa Cruz Mountains located to the west and from the much hotter interior temperatures of the San Joaquin Valley with the Diablo Range to the east.

According to the petitioner, the climate of the Santa Clara Valley is moderate, with warm, dry summers, mild wet winters, and prevailing northwest winds. Summer temperatures can rise above 100 degrees F. at times.

The annual average temperature is 58 to 60 degrees F. The growing season between killing frosts is fairly long, ranging from 250 to 300 days. The area falls into climate region II (cool) with a heat summation of 2,700 degree days. Heavy frosts do not occur in the proposed viticultural area, although temperatures often get below freezing in winter. Most of the days are sunny, although in summer a high fog often hangs over the valley in the morning hours.

The nearby Santa Cruz Mountains (to the west of the proposed viticultural area) fall into climate Region I (very cool), having 2,500 or fewer degree days. The Santa Cruz Mountains take in most of the western boundary of the proposed area.

The Santa Cruz Mountains are characterized by a climate which is greatly influenced in the western portion by the Pacific Ocean breezes and fog movements, and in the eastern portion by the moderating influences of the San Francisco Bay. The Santa Cruz Mountains are characterized by a growing season in excess of 300 days. This is apparently due to cool air coming down the mountains forcing warmer air upward, thereby lengthening the season in which the necessary conditions for grape-growing are present. Temperatures in the slopes of the hillsides where most of the vineyards are located appear to vary from that at the lower elevations of the vineyards in the Santa Clara Valley. This is caused by the marine influence coming off the Pacific Ocean which cools the Santa Cruz Mountains at night, much more so than the more inland Santa Clara Valley floor.

The rich San Jaoquin Valley located on the east side of the Diablo Range is in Region V (very warm climate). The Livermore Valley (an American viticultural area) located 15 miles northeast of the proposed area is mostly in Region III (moderately cool climate).

(b) Rainfall and Winds

The average rainfall is between 16 to 20 inches in the Santa Clara Valley. The rainy season, when 80% of the rain falls, extends from November through March. Annual precipitation to the west averages over 28 inches annually at coastal Santa Cruz and over 56 inches annually at Ben Lomond in the elevated areas of the Santa Cruz Mountains. In the Diablo Range, to the east, precipitation is as much as 30 inches annually. Rainfall in the mountainous portions increases rapidly with elevation, although much less so in the Diablo Range than in the Santa Cruz Mountains. There is a greater amount of rainfall in the Santa Cruz Mountains because they are located close to the Pacific Ocean. Rainfall in the Livermore Valley (to the northeast) averages only 14 inches annually.

During the summer, the cool temperature and the prevailing, moderate to strong, west and northwest offshore winds move into the San Francisco Bay area at low elevations, thus, the effect of the marine air is felt in

the Santa Clara Valley mainly late in the afternoon and the evenings.

Precipitation distribution occurs during storms that bring in southwesterly winds. The winds come from that direction because of the close proximity to the Pacific Ocean and the Santa Cruz Mountains lie at right angles to the direction of the wind flow.

Surface winds enter the south part of the Santa Clara Valley via the Coyete Narrows and pass through Pajaro Gap. Prevailing wind direction is from the north over most of the south part of the valley, with winds blowing mostly from the south just below Gilroy, due to the Pajaro Gap. In the vicinity of Gilroy, however, winds are variable, because the currents from north and south meet there. Winter winds associated with the low pressure cyclonic storms which visit the region are more changeable in direction and velocity. Wind speeds are greatest during summer, when they average ten miles per hour.

(c) Soils

The soil associations present in the Santa Clara Valley are areas dominated by very deep, well drained to poorly drained soils on alluvial plains, fans, stream benches and terraces. The soils in the Santa Cruz Mountains are Franciscan shale which is unique to this particular area south of San Francisco. The soil of the Santa Cruz Mountains is basically residual material from the decomposition of bedrock and the soil types in the area differ depending on the type of underlying bedrock. Generally, these residual soils tend to be thin and stony, and somewhat excessively drained. They are also characterized as impoverished, making it extremely difficult to grow grapes. This contrasts with the soil of the Santa Clara Valley, which is primarily alluvium and is more fertile. The soils of the Livermore Valley also differ from those of Santa Clara Valley because they are very gravelly as opposed to the rich Santa Clara Valley soils.

(d) Physiography and Geology

The Santa Clara Valley ranges in elevation from 100 to 800 feet above sea level as compared with the Santa Cruz Mountains and Diablo Range which surround the valley on the west and east side, respectively. The Santa Cruz Mountains elevation is approximately, 1,000 feet above sea level to 3,500 feet above sea level. The Diablo Range elevation averages approximately 1,000 feet above sea level to 3,500 feet above sea level.

Just like the Santa Clara Valley, the Livermore Valley viticultural area is one of the coastal intermountain valleys that surround the San Francisco Bay depression. The Livermore Valley has three main streams which are formed by the watershed runoff from three surrounding ridges.

Drainage in the Livermore Valley flows west to Alameda Creek which empties into San Francisco Bay.

The Santa Cruz Mountains are geologically different than the Santa Clara Valley because this mountain area is composed of formations of grantee, marble, sandstone, lava, quartzite and schist.

The Santa Clara Valley floor consists chiefly of a number of confluent alluvial fans and flood plains formed by deposits from the numerous streams that enter the valley from both mountain systems. An inperceptible alluvial divide at Morgan Hill separates the drainage of the valley into a north-flowing system and a south-flowing system. The former drains into San Francisco Bay at the north end of Santa Clara County, and the latter leads to the Pajaro River south of Gilroy and eventually flows into Monterey Bay.

The oldest rocks found within eastern Santa Clara Valley are the Franciscan-Knoxville Group of Upper Jurassic age. These rocks form the largest single geologic unit in the area.

Along the margins of the Santa Clara Valley, Pliocene strata are exposed and the valley floor itself is composed of an accumulation of Quaternary clay, sand, and gravel. The structure of the area is complex. It is controlled by faulting. Faults are zones of weakness that are rapidly attacked by water and other agents of erosion. The famous San Andreas Fault, together with one of its prominent branches, the Sargent Fault, subparallels the western boundary of Santa Clara County and separates Miocene strata from Upper Jurassic rocks. San Francisco Bay and Santa Clara Valley outline a trough that is a downdropped fault block.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this notice of proposed rulemaking because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual, Federal, State, or local government agencies or geographical regions; and it will not have significant adverse affects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. The document proposes possible boundaries for the area named "Santa Clara Valley" viticultural area. However, comments concerning other possible boundaries or names for this proposed vitcultural area will be given full consideration.

ATF is particularly interested in receiving comments on the northern boundary of the proposed viticultural area particularly in the Menlo Park/Redwood City/Woodside areas on the northwest and in the Fremont/Newark areas on the northeast. ATF would also like to receive comments on the southern boundary in the Hecker Pass/Pacheco Pass areas. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date. ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for

disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 30-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

27 CFR Part 9, American Viticultural Areas, is amended as follows:

PART 9—[AMENDED]

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Paragraph 2. The table of contents in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.126 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.126 Santa Clara Valley.

Paragraph 3. Subpart C is amended by adding § 9.126 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.126 Santa Clara Valley.

(a) *Name.* The name of the viticultural area described in this section is "Santa Clara Valley."

(b) *Aproved Maps.* The appropriate maps for determining the boundaries of the "Santa Clara Valley" viticultural area are 26 U.S.G.S. Quadrangle (7.5 Minute Series) maps. They are titled:

(1) Calaveras Reservoir, Calif., 1961, (photorevised 1980);
(2) Castle Rock Ridge, Calif., 1955 (photorevised 1968), photoinspected 1973;
(3) Chittenden, Calif., 1955 (photorevised 1980);
(4) Cupertino, Calif., 1961 (photorevised 1980);
(5) Gilroy, Calif., 1955 (photorevised 1981);
(6) Gilroy Hot Springs, Calif., 1955 (photorevised 1971), photoinspected 1973;
(7) Lick Observatory, Calif., 1955 (photorevised 1968), photoinspected 1973;
(8) Loma Prieta, Calif., 1955 (photorevised 1968);
(9) Los Gatos, Calif., 1953 (photorevised 1980);
(10) Milpitas, Calif., 1961 (photorevised 1980);
(11) Mindego Hill, Calif., 1961 (photorevised 1980);
(12) Morgan Hill, Calif., 1955 (photorevised 1980);
(13) Mt. Madonna, Calif., 1955 (photorevised 1980);
(14) Mt. Sizer, Calif., 1955 (photorevised 1971), photoinspected 1978;
(15) Mountain View, Calif., 1961 (photorevised 1981);
(16) Newark, Calif., 1959 (photorevised 1980);
(17) Niles, Calif., 1961 (photorevised 1980);
(18) Pacheco Peak, Calif., 1955 (photorevised 1971);
(19) Palo Alto, Calif., 1961 (photorevised 1968 and 1973);
(20) San Felipe, Calif., 1955 (photorevised 1971);
(21) San Jose East, Calif., 1961 (photorevised 1980);
(22) San Jose West, Calif., 1961 (photorevised 1980);
(23) Santa Teresa Hills, Calif., 1953 (photorevised 1980);
(24) Three Sisters, Calif., 1954 (photorevised 1971), photoinspected 1978;
(25) Watsonville East, Calif., 1955 (photorevised 1980);
(26) Woodside, Calif., 1961 (photorevised 1968 and 1973).

(c) The boundaries of the proposed Santa Clara Valley viticultural area are as follows:

(1) The beginning point is at the junction of Elephant Head Creek and Pacheco Creek (approx. .75 mile southwest of the Pacheco Ranger Station) on the Pacheco Peak, Calif. U.S.G.S. map.

(2) From the beginning point the boundary moves in a northerly direction up Elephant Head Creek approx. 1.2 miles until it intersects the 600 foot contour line;

(3) Then it meanders in a northwesterly direction along the 600 foot contour line approx. 55 miles until it intersects Vargas Road in the northwest portion of Sec. 25, T4S/R1W on the Niles, Calif. U.S.G.S. map;

(4) Then it travels in a northwesterly direction approx. .6 mile to the intersection of Morrison Canyon Road in the eastern portion of Sec. 23, T4S/R1W;

(5) Then it follows Morrison Canyon Road west approx. 1.5 miles to Mission Boulevard (Highway 238) at Sec. 22, T4S/R1W;

(6) Then it moves northwest on Mission Boulevard (Highway 238) approx. .6 mile to the intersection of Mowry Avenue just past the Sanatorium at Sec. 22, T4S/R1W;

(7) It then goes in a southwesterly direction on Mowry Avenue approx. 3.6 miles to the intersection of Nimitz Freeway (Highway 880) (depicted on the map as Route 17) at Sec. 5, T5S/R1W, on the Newark, Calif. U.S.G.S. map;

(8) It then moves along the Nimitz Freeway (Highway 880) in a southeasterly direction for approx. 9 miles to the intersection of Calaveras Boulevard (Highway 237) at Milpitas on the Milpitas, Calif. U.S.G.S. map;

(9) Then it follows Highway 237 in a westerly direction approx. 7.2 miles to the intersection of Bay Shore Freeway (Highway 101) at Moffett Field on the Mt. View, Calif. U.S.G.S. map;

(10) Then in a northwest direction follow Bay Shore Freeway (Highway 101) for approx. 12 miles to the intersection of Woodside Road (Highway 84) at Redwood City on the Palo Alto, Calif. U.S.G.S. map;

(11) Then it heads southwest on Woodside Road (Highway 84) approx. 5 miles to the intersection of Mountain Home Road at Woodside on the Woodside, Calif. U.S.G.S. map;

(12) It travels along Mountain Home Road in a southerly direction approx. 2.2 miles to where it intersects Portola Road on the Palo Alto, Calif. U.S.G.S. map approx. .1 mile northwest of Searsville Historical Marker;

(13) It then moves along Portola Road in a west to north direction approx. .6 mile until it intersects La Honda Road (Highway 84) on the Woodside, Calif. U.S.G.S. map;

(14) It then goes south on La Honda Road (Highway 84) approx. .5 mile until it meets the 600 foot elevation contour line;

(15) It moves along the 600 foot elevation contour line in a southeasterly direction approx. 14 miles to Regnart Road at Regnart Creek on the Cupertino, Calif. U.S.G.S. map;

(16) It goes northeast along Regnart Road, approx. .7 mile to the 400 foot elevation contour line (.3 mile southwest of Regnart School);

(17) It travels along the 400 foot elevation contour line southeast approx. 1.4 miles to the north section line of Section 36, T7S/R2W at Blue Hills, CA:

(18) The boundary goes east on the section line approx. .4 mile to Saratoga Sunnyvale Road (Highway 85);

(19) It travels south on Saratoga Sunnyvale Road (Highway 85) approx. 1 mile to the south section line of Section 36, T7/8S R2W;

(20) Then it goes west on the section line approx. .75 mile to the first intersection of the 600 foot elevation contour line;

(21) It follows the 600 foot elevation contour line southeast approx. .75 mile to Pierce Road south of Calabazas Creek;

(22) It then travels south on Pierce Road approx. .4 mile to the first intersection of the 800 foot elevation contour line;

(23) Then it runs southeast approx. 28 miles on the 800 foot elevation contour line to the east section line of Sec. 25, T10S/R2E/R3E approx. .5 mile north of Little Arthur Creek on the Mt. Madonna, Calif. U.S.G.S. map;

(24) Then it goes south on the section line approx. .5 mile to the 800 foot elevation contour line approx. .2 mile south of Little Arthur Creek;

(25) Then it goes southeast along the 800 foot elevation contour line approx. 2.7 miles to Hecker Pass Road (Highway 152) approx. 1.25 miles east of Hecker Pass on the Watsonville East, Calif. U.S.G.S. map;

(26) The boundary goes northeast on Hecker Pass Road (Highway 152) approx. .75 mile to the intersection of the 600 foot elevation contour line just west of Bodfish Creek;

(27) It travels southeast along the 600 foot elevation contour line approx. 7.3 miles to the first intersection of the western section line of Sec. 30, T11S/R3E/R4E on the Chittenden, Calif. U.S.G.S. map;

(28) Then it follows south along the section line approx. 1.9 miles to the south township line at Sec. 31, T11S/T12S, R3E/R4E;

(29) It moves in an easterly direction along the township line approx. 12.4 miles to the intersection of T11S/T12S and R5E/R6E on the Three Sisters, Calif. U.S.G.S. map;

(30) Then it goes north along R5E/R6E range line approx. 5.3 miles to Pacheco Creek on the Pacheco Creek, Calif. U.S.G.S. map;

(31) Then it moves northeast along Pacheco Creek approx. .5 mile to Elephant Head Creek at the point of beginning.

Approved: January 27, 1988.

Stephen E. Higgins.

Director.

[FR Doc. 88-2287 Filed 2-3-88; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 169 and 171

[DoD Directive 4100.15]

Commercial Activities Program

AGENCY: Office of the Secretary, DoD.

ACTION: Supplemental notice of proposed rule.

SUMMARY: This rule proposes to reissue Part 169 to incorporate substantive changes required by Pub. L. 100-180, "National Defense Authorizaiton Act for Fiscal Years 1988 and 1989" December 4, 1987, section 111 and Executive Order 12615, "Performance of Commercial Activities," November 19, 1987. This part proposes to prescribe DoD policy for establishment and operation of DoD commercial activities. It also withdraws proposed Part 171.

DATE: Comments must be received on or before March 4, 1988.

ADDRESS: Office of the Assistant Secretary of Defense (Production & Logistics), Installation Services Directorate, The Pentagon, Room 3E787, Washington, DC. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Hansen, Telephone 202-325-0537.

SUPPLEMENTARY INFORMATION: Part 169 was published in the **Federal Register** on March 18, 1980 (45 FR 17138) and reissued on September 16, 1985 (50 FR 37527) prescribing the policy for the establishment of DoD commercial activities. Comments will be available for public inspection by request. Because of the short time requirements placed on DoD to publish this part, DoD does not plan to acknowledge or respond to individual comments. However, DoD will respond to the comments in the preamble of the final rule.

DoD has determined that the proposed rule (32 CFR Part 171) that was published in the **Federal Register** on December 3, 1986 (51 FR 43620) is withdrawn. Current Parts 169 and 169a remain in effect until revised.

List of Subjects in 32 CFR Part 169

Armed Forces, Government procurement.

It is proposed to revise Part 169 to read as follows:

PART 169—COMMERCIAL ACTIVITIES PROGRAM

Sec

Authority: 5 U.S.C. 301 and 552 and Pub. L. 93-400.

§169.1 Reissuance and purpose.

This part:

(a) Reissues 32 CFR Part 169.

(b) Updates DoD policies and assigns responsibilities for commercial activities (CAs) as required by E.O. 12615 and OMB Circular A-76 (revised).

§ 169.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) Encompasses DoD policy for CAs in the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) Is not mandatory for CAs staffed solely with civilian personnel paid by nonappropriated funds, such as military exchanges. However, its provisions are mandatory for CAs when they are staffed partially with civilian personnel paid by or reinbursed from appropriated funds, such as libraries, open messes, and other morale, welfare, and recreation (MWR) activities.

(d) Does not:

(1) Apply to governmental functions as defined in § 169.3

(2) Apply when contrary to law, executive orders, or any treaty or international agreement.

(3) Apply in times of a declared war or military mobilization.

(4) Provide authority to enter into contracts.

(5) Apply to the conduct of research and development, except for severable in-house CAs in support of research and development, such as those listed in enclosure 3 of DoD Instruction 4100.33.[1]

(6) Justify conversion to contract solely to avoid personnel ceilings or salary limitations.

(7) Authorize contracts that establish an employer-employee relationship between the Department of Defense and contractor employees as described in

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, ATTN: Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120.

Federal Acquisition Regulation (FAR) 37.104

§ 169.3 Definitions.

Commercial Activity Review. The process of evaluating CAs for the purpose of determining whether or not a cost comparison will be conducted.

Commercial Source. A business or other non-Federal activity located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico that provides a commercial product or service.

Conversion to Contract. The changeover of a CA from performance by DoD personnel to performance under contract by a commercial source.

Conversion to In-House. The changeover of a CA from performance under contract to performance by DoD personnel.

Core Logistics. The government facilities, equipment, and personnel involved directly in the management and performance of depot maintenance of mission-essential material at depot maintenance activities.

Cost Comparison. The process of developing an estimate of the cost of performance of a CA by DoD employees and comparing it, in accordance with the requirements in DoD Instruction 4100.33 to the cost of performance by contract.

Direct Conversion. Conversion to contract performance of an in-house commercial activity based on a simplified cost comparison on the direct conversion of an in-house commercial activity performed exclusively by military personnel.

Directly Affected Parties. DoD employees and their exclusively recognized labor organizations and bidders or offerers on the solicitation.

Displaced DoD Employee. Any DoD employee affected by conversion to contract operation (including such actions as job elimination, or grade reduction). It includes both employees in the function converted to contract and employees outside the function who are affected adversely by conversion through reassignment or the exercise of bumping or retreat rights.

DoD Commercial Activity (CA). An activity that provides a product or service obtainable (or obtained) from a commercial source. A DoD CA may be the mission of an organization or a function within the organization. It must be type of work that is separable from other functions or activities so that it is suitable for performance by contract. A representative list of the functions performed by such activities is provided in enclosure 3 of DoD Instruction 4100.33. A DoD CA falls into one of two categories:

(a) *Contract CA.* A DoD CA managed by A DoD Component but operated with contractor personnel.

(b) *In-House CA.* A DoD CA operated by a DoD Component with DoD personnel.

DoD Employee. Civilian personnel of the Department of Defense.

DoD Governmental Function. A function that is related so intimately to the public interest as to mandate performance by DoD personnel. These functions require either the exercise of discretion in applying Government authority or the use of value judgement in making the decision for the Department of Defense. Services or products in support of Governmental functions such as those listed in enclosure 3 of DoD Instruction 4100.33 are normally subject to this part and its implementing instructions. Governmental functions normally fall into two categories:

(a) *Act of Governing.* The discretionary exercise of Governmental authority. Examples include criminal investigations, prosecutions, and other judicial functions; management of Government programs requiring value judgments, as in direction of the national defense; management and direction of the Armed Services; activities performed exclusively by military personnel who are subject to deployment in a combat, combat support, or combat service support role; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers, and other natural resources; management of natural resources on Federal Property; direction of intelligence and counterintelligence operations; and regulation of industry and commerce, including food and drugs.

(b) *Monetary Transactions and Entitlements.* Tax collection and revenue disbursements; control of the money supply treasury accounts; and the administration of public trusts.

DoD Personnel. Military and civilian personnel of the Department of Defense.

Expansion. The modernization, replacement, upgrading, or enlargement of a DoD CA involving a cost increase exceeding either 30 percent of the total capital investment or 30 percent of the annual personnel and material costs. A consolidation of two or more CAs is not an expansion unless the proposed total capital investment or annual personnel and material costs of the consolidation exceeds the total of the individual CAs by 30 percent or more.

Installation. An installation includes the land, buildings, structures, and utilities constructed or acquired for the operation and support of the mission of a post, camp, station, hospital, depot, bse, arsenal, detachment, office, etc. Activities that are located within the confines of another installation and occupying portions of land, buildings, and structures of the main installation are considered to be tenants.

Installation Commander. The commanding officer or head of an installation or a tenant activity, who has budget and supervisory control over resources and personnel.

Military Installation. See installation.

Mission-Essential Materiel. All materiel which is authorized and available to Combat Support, Combat Service Support, and Combat readiness training forces to accomplish their assigned mission.

New Requirement. A recently established need for a commercial product or service. A new requirement does not include interim in-house operation of essential services pending reacquisition of the services prompted by such action as the termination of an existing contract operation.

Preferential Procurement Programs. Mandatory source programs such as Federal Prison Industries (FPI) and the Javits-Wagner-O'Day Act administered by the Committee for Purchase from the Blind and Other Severely Handicapped. Small, minority, and disadvantaged businesses; and labor surplus area set-asides and awards made under section 8(a) of the Small Business Act and Pub. L. 95–507 are included under preferential procurement programs.

§ 169.4 Policy.

It is DoD policy to:

(a) *Ensure DoD mission accomplishment.* DoD Components shall consider the overall mission of the Department of Defense and the defense objective of maintaining readiness and sustainability to ensure a capability to mobilize the defense and support structure when implementing this part.

(b) *Encourage competition.* Encourage competition with the objective of securing ever increasing quality products and services at an acceptable price. High quality products and services are a good investment because they engender pride in the people who use them thereby greatly enhancing their performance. Consider quality history in the source selection process and reward high quality performance.

(c) *Retain Governmental functions in-house.* Certain functions inherently are Governmental in nature, being so

intimately related to the public interest as to mandate performance only by DoD personnel. These functions are not in competition with commercial sources; therefore, these functions shall be performed by DoD personnel.

(d) *Rely on the commercial sector.* DoD Components shall rely on commercially available sources to provide commercial products and services. Except when required for national defense, when no satisfactory commercial source is available, or when in the best interest of direct patient care, DoD Components will not start, expand, or carry on any CAs to provide commercial products or services if the products or services can be procured more economically from commercial sources.

(e) *Achieve economy and enhance productivity.* Whenever performance by a commercial source of a DoD in-house CA is permissible, in accordance with this part and its implementing instructions, a comparison of the cost of contracting and the cost of in-house performance normally shall be performed to determine who will do the work. The restriction of a solicitation to a preferential procurement program does not negate this requirement.

(f) *Delegate broad decision authority and responsibility.* DoD Components shall delegate broad decision authority and responsibility to lower organization levels giving more authority to the doers, linking responsibility with that authority. This will facilitate the work that Installation commanders must perform without limiting their freedom to do their jobs. Whenever possible, the Installation Commanders should have the freedom to make intelligent use of their resources, while preserving the essential wartime capabilities of our support organizations in DoD Directive 4001.1 [2]

(g) *Share resources saved.* Where possible, make available to the installation commander a share of any resources saved or earned so that the commander can improve operations and working and living conditions on the installation.

(h) *Provide placement assistance.* Provide a variety of placement assistance to employees whose Federal jobs are eliminated through CA competitions.

§ 169.5 Responsibilities.

(a) *The Assistant Secretary of Defense (Production and Logistics),* or his designee, shall:

(1) Formulate and develop policy consistent with this part for the DoD CA program.

(2) Issue instructions to implement the policies of this part.

(3) Maintain an inventory of in-house DoD CAs and the Commercial Activities Management Information System (CAMIS).

(4) Establish criteria for determining whether a CA is required to be retained in-house for reasons of National Defense.

(5) Approve or disapprove Core Logistics waiver requests in DoD Instruction 4100.33.

(b) *The Assistant Secretary of Defense (Comptroller)* shall provide inflation factors/price indices and policy guidance to the DoD Components on procedures and systems for obtaining cost data for use in preparing the in-house cost estimate.

(c) *The Heads of DoD Components* shall:

(1) Implement this Directive and DoD Instruction 4100.33.

(2) Designate an official at the Assistant Secretary or requivalent level to implement this part.

(3) Establish an office to serve as a central point of contact for implementing this part.

(4) Encourage and facilitate CA competitions.

(5) Delegate, as much as practicable, broad authority to installation commanders to decide how best to use the CA Program to accomplish the mission. At a minimum, as prescribed by Pub. L. 100-180, Section 1111, Installation Commanders shall have the authority and responsibility to carry out the following:

(i) Prepare an inventory each fiscal year of commercial activities carried out by government personnel on the military installation in accordance with DoDI 4100.33.

(ii) Decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76, and DoDI 4100.33. This authority shall not be applied retroactively. Cost comparisons and direct conversions already underway as of February 4, 1988, shall be continued.

(iii) Conduct a solicitation for contracts for those commercial activities selected for conversion to contractor performance under the circular A-76 process.

(iv) To the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of a contract entered into with a contractor for performance of a commercial activity on the military installation.

(6) Develop specific National Defense guidance consistent with the DoD Instruction 4100.33.

(7) Establish administrative appeal procedures consistent with the DoD Instruction 4100.33.

(8) Ensure that contracts resulting from cost comparisons conducted under this part are solicited and awarded in accordance with the Federal Acquisition Regulation (FAR) and DoD FAR (DFAR) Supplement.

(9) Ensure that all notification and reporting requirements established in DoD Instruction 4100.33 are satisfied.

(10) Ensure that the Office of Federal Procurement Policy (OFPP) Policy Letter No. 78-3 is considered in responding to requests for disclosure of contractor-supplied information obtained in the course of procurement.

(11) Ensure that high standards of objectivity and consistency are maintained in compiling and maintaining the CA inventory and conducting the reviews and cost comparisons.

(12) Ensure that maximum efforts are exerted to assist displaced DoD employees in finding suitable employment, to include as appropriate:

(i) Providing priority placement assistance for other Federal jobs.

(ii) Training and relocation when these will contribute directly to placement.

(iii) Providing outplacement assistance for employment in other sectors of the economy with particular attention to assisting eligible employees to exercise their right of first refusal with the successful contractor.

(13) Maintain the technical competence necessary to ensure effective and efficient management of the CA program.

(14) Ensure that the Joint Committee on Printing (JCP) is notified at least 30 days before commencing a cost comparison of a field printing operation. These JCP notifications shall be coordinated with the appropriate legal counsel.

Dated: January 29, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88-2248 Filed 2-3-88; 8:45 am]

BILLING CODE 3810-01-M

[2] See footnote 1 to § 169.2(d)(5)

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 87-087]

Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes to amend the regatta and marine parade regulations to increase, to 90 days, the lead time requirement for submitting regatta permit applications. The present 30 day minimum requirement for submitting applications is inadequate for the Coast Guard to verify information provided by the event sponsor, review potential impacts on navigation and on the environment, coordinate with affected interests and other agencies, and prepare and publish required notices and special local regulations concerning the event. This rulemaking will allow the Coast Guard adequate time to review regatta permit applications, conduct appropriate coordination and provide necessary notice relating to regattas and marine events.

DATES: Comments must be received on or before April 4, 1988.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/21), [CGD 87-087], U.S. Coast Guard, Washington, DC 20593-0001. Comments may be delivered to and will be available for examination and copying at the Marine Safety Council (G-CMC/21), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, between 8 a.m. and 3 p.m, Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Perry, 202-267-0979.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written views, data or arguments on these proposed rules. Persons submitting comments should include their names and addresses, identify this Notice (CGD 87-087) and give the reasons for the comment. Persons desiring acknowledgment that their comments have been received should include a stamped, self-addressed postcard or envelope. The proposal may be changed in light of comments received. All comments received by the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing has been scheduled, but one may be held at a time and place to be set in later notice in the Federal Register, if requested by persons raising a genuine issue and it is determined that the rulemaking will benefit from oral presentations.

Drafting Information

The principal persons involved in drafting this proposed rule are Mr. Carlton Perry, Project Manager and Mrs. Christena Green, Project Attorney.

Discussion of the Proposed Amendment

Section 100.15 of Title 33 Code of Federal Regulations prescribes the requirements concerning regatta and marine parade applications, including a 30 day lead time for submitting the application (§ 100.15(c)). When deemed necessary, the Coast Guard issues special local regulations to insure safety of life on navigable waters before, during and after an approved marine event. Such regulations may include restricted or other controlled movement of navigation through the event area. Prior to issuing special local regulations, the Coast Guard must give the public full and adequate notice of the event dates and any needed regulations.

All Coast Guard actions on permit applications must comply with the procedures and intent of the National Environmental Policy Act of 1969. Regattas do not normally have a significant impact on the quality of the human environment and these permit actions are considered to be categorically excluded from further environmental documentation. However, further environmental documentation may be required when a normally categorically excluded action is likely to involve significant cumulative impacts on the environment, substantial controversy because of effect on the human environment, or impacts which are more than minimal on properties protected under section 4(f) of the Department of Transportation Act, etc.

The Coast Guard examines permit applications for potential impacts on navigation through the event area and for extraordinary circumstances which may require additional environmental review and preparation of an environmental assessment. The Coast Guard may need to contact Federal, State or local agency offices to determine if there are conflicting activities scheduled in the area, or if any threatened or endangered species exist in the event area.

Permit applications requiring additional navigational or environmental review and documentation require more time to process. Therefore, the Coast Guard is proposing to require that applications be submitted 90 days prior to the intended event.

The National Boating Safety Advisory Council (NBSAC) has been consulted and their opinions and advice have been considered in the formulation of this proposed rule. The transcripts of NBSAC meetings at which this proposed rule was discussed are available for examination in Room 4306, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BBS), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

Regulatory Evaluation

This proposed rulemaking is considered nonmajor under Executive Order No. 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). This amendment is being proposed to make an adjustment to the time requirements for submitting applications and does not reflect interpretations of statutory language. The Coast Guard must consider the impact of these events on safety of navigation through the event area and on the environment under agency rulemaking and NEPA implementing procedures. The effect of the proposed amendment is to improve consideration of navigational and environmental impacts of these marine events by identifying early in the planning process whether any navigational conditions or environmental areas exist in the vicinity of the planned event which would be adversely affected by the event and increasing the time period available for verifying information, allowing adequate public notice and input, and minimizing the impacts. For these reasons, the economic impact of the proposal has been found to be so minimal that further evaluation is unnecessary. Since the impact of the proposal is expected to be minimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations to read as follows:

PART 100–[AMENDED]

1. The authority for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.15 is amended by revising paragraph (c) to read as follows:

§ 100.15 Submission of application.

* * * * *

(c) The application shall be submitted no less than 90 days prior to the start of the proposed event.

* * * * *

Dated: January 29, 1988.

M. E. Gilbert,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 88-2319 Filed 2-3-88; 8:45 am]

BILLING CODE 4910-14-M

Office of the Secretary

48 CFR Part 1246

[OST Docket No. 45415, Notice No. 88-1]

Use of Warranties in Major System Acquisitions

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule proposes to amend the Department of Transportation (DOT) Acquisition Regulation (TAR) to include Policy and Procedures for use of warranties in major system acquisitions of the United States Coast Guard (USCG) and to provide additional guidance for use of warranties in all other DOT contracts. The establishment of policy and procedures for use of warranties in major system acquisitions by the Coast Guard is required by the Department of Transportation Appropriation Act of 1986, (Pub. L. 99-190) (10 U.S.C. 2304 note), and would serve as additional guidance with respect to major system acquisitions, for all other DOT operating administrations.

DATES: Comments must be received on or before March 21, 1988.

ADDRESS: Interested persons are invited to submit comments to the Docket Clerk, OST Docket No. 45415, Office of General Counsel, C-55, Room 4107, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Comments are available for public examination at that address Monday through Friday, except legal holidays, from 9:00 am to 5:00 pm e.s.t. Persons wishing to have receipt of their comments acknowledged must send a stamped, self addressed post card with their comments.

FOR FURTHER INFORMATION CONTACT: Roger Martino, Chief, Procurement Management Division, (M-62), Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366-4271. (This is not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The Federal Acquisition Regulation (FAR) (48 CFR 46.705), as implemented by the Transportation Acquisition Regulation (TAR) (48 CFR Part 1246), permits the optional use of warranties when the initiator of a Procurement Request recommends inclusion of a warranty provision in a contract and the contracting officer makes a determination that inclusion is appropriate.

By the Department of Transportation Appropriation Act of 1986, (10 U.S.C. 2304 note), Congress directed the Secretary of Transportation to issue regulations requiring inclusion of written warranties in all contracts with prime contractors for major system acquisitions of the Coast Guard. The legislation requires that the Coast Guard obtain contractual rights to protect itself from defective or nonconforming major systems when the defect or nonconformance occurs or becomes apparent after acceptance of the system. The intent is to prevent excessive payments for replenishment (spare) parts under the major systems contract(s) follow-on contracts and to permit recovery of unjustified payments to contractors.

Prior to this legislation, the Coast Guard and other DOT operating administrations used warranties in major systems acquisitions on a case-by-case basis, as permitted by FAR Subpart 46.7. Congress determined that this requirement should apply to the Coast Guard to prevent the problem of excessive payments for spare parts for major systems which has recently been identified at the Department of Defense.

This notice proposes to amend the TAR Subpart 1246.7 to require the Coast Guard to ensure that each major system contract for production of a major system, as defined in DOT Order 4200.14B, Major Systems Acquisition Review and Approval, contains three specific warranties: one covering design and manufacturing requirements; one covering defects in materials and workmanship; and one covering essential performance requirements contained in the contract. These warranties also shall be included in follow-on contracts for replenishment parts for major systems.

The proposal also would provide procedures for tailoring the required warranties to the circumstances of a particular procurement, as well as a mechanism for obtaining waivers from the new requirements when properly justified, approved, and reported to Congress.

Adherence to the proposed policy and procedures for use of warranties in major system acquisitions would be mandatory for the U.S. Coast Guard and would serve as guidance in the acquisition of major systems for all other DOT operating administrations. The proposed procedures are similar to the requirements on use of warranties in major system acquisitions contained in the Department of Defense's FAR supplement, 48 CFR Subpart 1246.7. The proposed rule also would provide additional mandatory requirements that apply when a warranty is included in any DOT contract. These proposed requirements include warranty planning, treatment of warranty acquisition cost, contracting officer determinations for use, and warranty terms and conditions.

When warranties are used, each operating administration would have to ensure that all maintenance and support personnel who operate, repair, or control the inventory of major systems, are fully aware of the warranties; assure that warranty provisions of the contract are enforced; and determine responsibility for correcting defects on a case-by-case basis when warranted equipment is used jointly with unwarranted equipment. To enable the Department to ensure that these regulations are implemented and that compliance is consistent and cost effective, the proposal would require each operating administration within the Department to establish procedures for providing, collecting, and maintaining warranty data and to submit an annual report on warranty costs and enforcement during each fiscal year.

We anticipate that the regulation will benefit the Department by providing more protection from defects in commercially available items and from non-compliance with specific Government specifications, and that it will reduce the need for buying spare parts and reduce the cost of maintenance to replace or repair defective equipment. Although a net cost savings is anticipated, it would be offset to some degree by the costs of obtaining the warranties themselves. At this time we cannot quantify the expected savings or warranty costs but will consider information received in comments. Therefore, we have not prepared a separate regulatory evaluation.

Procedural Requirements

A. *National Environmental Policy Act.* DOT has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.* 1976). Therefore, neither an environmental impact statement nor an environmental assessment will be made pursuant to NEPA.

B. *Regulatory Flexibility Act.* Consistent with the provisions of section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), I certify that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed amendments do not significantly change the current procedures of 48 CFR Subpart 46.7, which already authorize contracting officers to require warranties in contracts. The few small entities that are affected would be reimbursed for providing warranties as part of the contract price or cost considerations.

C. *Paperwork Reduction Act.* There are no requirements for collection of infornation contained in this proposal.

D. *Administrative Procedure Act.* Section 553(a)(2) of the Administrative Procedure Act (5 U.S.C. 551 et seq.) exempts rules relating to public contracts from the prior notice and comment procedure normally required for informal rulemaking. However, the FAR provides that views of agencies and non-government parties must be considered in formulating acquisition policies and procedures on proposed significant revisions (48 CFR Subpart 1.5). The Department has determined that the proposed rule would not represent a significant rule; however, it is providing a 45-day comment period, and will consider comments received in drafting the final rule.

List of Subjects in 48 CFR Part 46

Government contracts, Federal procurement regulations.

Accordingly, the Department amends 48 CFR Part 1246 as set forth below.

This proposed rule is issued under the delegation of authority in 49 CFR 1.59(q).

Issued in Washington, DC, on January 27, 1988.

Jon H. Seymour,

Assistant Secretary for Administration.

Accordingly, 48 CFR Part 1246 is amended to read as follows:

PART 1246—[AMENDED]

1. The authority citation for Part 1246 is revised to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. 2304 note; 48 CFR 1.301; 49 CFR 1.59.

2. Subpart 1246.7, consisting of sections 1246.701 through 1246.772, is revised to read as follows:

Subpart 1246.7—Warranties

Subpart 1246.7—Warranties

1246.701 Definitions.

"At no additional cost to the United States," as used in this section, means at no increase in price for firm-fixed-price contracts or at no increase in target or ceiling price for fixed price incentive contracts (see 48 CFR 46.707) or at no increase in estimated cost/or fee for cost-reimbursement contracts.

"Defect," as used in this subpart, means any condition or characteristic in any supplies or services furnished by the contractor under the contract that is not in compliance with the requirements of the contract.

"Design and manufacturing requirements," as used in this subpart, means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials and finished product tests for the major system being produced.

"Major system," as used in this subpart, means a system or major subsystem used directly by the agency to carry out its mission(s), as defined by DOT Order 4200.14B, Major Systems Acquisition Review and Approval. This term does not include related support equipment, such as ground-handling equipment, training devices and accessories thereto; unless an effective warranty for the system would require inclusion of such items. This term does not include commercial items sold in substantial quantities to the general public as described in FAR 15.804–3(c).

"Performance requirements," as used in this subpart, means the operating capabilities, maintenance, and reliability characteristics of a system that are determined to be necessary for it to fulfill the requirement for which the system is designed.

"Prime contractor," as used in this subpart, means a party that enters into an agreement directly with the United States to furnish a system or a major subsystem.

1246.702 General.

In addition to the considerations outlined in FAR 46.702, the following areas should be addressed by all DOT operating administrations in relation to the use of warranties in DOT contracts:

(a) Planning is an essential step in obtaining an effective warranty and should begin early enough to address warranty requirements during the development of the item. Therefore, consideration of warranty provisions and their impact shall be included within the comprehensive acquisition planning process required by FAR Part 7 as implemented by DOT Order 4200.14B, Major Systems Acquisition Review and Approval.

(b) The acquisition cost of a warranty may be included as part of an item's price when cost or pricing data will clearly define cost of the warranty to the Government, or may be set forth as a separate contract line item.

(c) Each operating administration within DOT shall establish a tracking and enforcement system, as appropriate, to identify items covered, to provide information to Government personnel about enforcing the warranty provisions, and accumulate data relative to warranty costs. Each operating administration shall make an annual report to the Director of Acquisition and Grant Management, on warranty related costs and enforcement experience no later than 60 days after the end of each fiscal year.

1246.703 Criteria for use of warranties.

(a) Acquisition of warranties in the procurement of supplies that do not meet the definition of a major system (e.g., spare, repair, or replenishment parts) is governed by FAR 46.703 for all DOT operating administrations. Contracting officers should negotiate a warranty that meets or exceeds the requirements of section 1246.706 of this part where such warranty is advantageous and conforms to Departmental Policy.

(b) The use of warranties in the procurement of major systems by the United States Coast Guard is mandatory, unless a waiver is authorized. The use of warranties in major systems acquisitions by DOT

administrations other than the Coast Guard is voluntary.

(c) Warranties should be obtained only when they are cost beneficial. In order to determine whether use of a warranty would be cost beneficial, an analysis must be performed to compare the benefits to be derived from the warranty with its acquisition and administration costs, and the contract file documented accordingly. The analysis should examine the procurement's life cycle costs, both with and without a warranty. Where possible, a comparison should be made with the costs of obtaining and enforcing similar warranties for similar supplies or services.

1246.704 Authority for use of warranties.

(a) For any contract entered into by an operating administration, other than a contract entered into by the Coast Guard for major system acquisitions, the contracting officer shall determine if a warranty clause is appropriate in accordance with 1246.703(c), prior to solicitation of a requirement. If a warranty is determined to be appropriate, he/she shall document the reason for inclusion of a warranty and identify the specific parts, subassemblies, assemblies, systems or contract line items to which a warranty should apply, and shall address why the warranty is appropriate under the criteria set forth in 48 CFR 46.703. For DOT operating administrations, other than the Coast Guard, the policy and procedures set forth in section 1246.770 of this part for use of warranties in major system acquisitions may be used as a guideline.

(b) Authority for use of warranties in the procurement of major systems by the Coast Guard is stated in section 1246.703 of this part. The policy and procedures on warranties set forth in section 1246.770 of this part are mandatory for Coast Guard. The Coast Guard shall use the procedure set forth in paragraph (a) of this section for including a warranty in procurements other than major system acquisitions.

1246.705 Limitations.

In addition to limitations set forth in FAR 46.705, the following restrictions are applicable to all DOT contracts:

(a) The Coast Guard is the only DOT operating administration which is authorized to include warranties in cost-reimbursement contracts for the production of major systems as required by 48 CFR 1246.770.

(b) Any written warranty on major system acquisitions shall not apply in the case of any system or component thereof which has been furnished by the Government to a contractor except as indicated in section 1246.770–4 of this part.

(c) Any written warranty obtained shall specifically exclude coverage of combat damage, where there is some likelihood that the warranted items may be subjected to such damage.

1246.706 Warranty terms and conditions.

(a) In addition to those items set forth in FAR 46.706, the contracting officer, in developing the warranty terms and conditions, shall consider the need for and where appropriate, in accordance with 1246.703(c) shall:

(1) Identify the affected line item(s) and the applicable specification(s);

(2) Require that the line item's design and manufacture will conform to (i) an identified revision of a top-level drawing, and/or (ii) an identified specification or revision thereof;

(3) Require that the system conforms with the specified Government performance requirements;

(4) Require that all systems and components delivered under the contract will be free from defects in materials and workmanship;

(5) State that in the event of failure due to nonconformance with specification and/or defects in material and workmanship, the contractor will bear the cost of all work necessary to achieve the specified performance requirements, including repair and/or replacement of all parts;

(6) Require the timely replacement/repair of warranted items and specify lead times for replacement/repair where possible.

(7) Identify the specific paragraphs containing Government performance requirements which must be met;

(8) Ensure that any performance requirements identified as goals or objectives in excess of specification requirements are excluded from the warranty provision;

(9) Define what constitutes the end of the warranty period (i.e., passing a test or demonstration, or operation without failure for specified period of time);

(10) Identify what transportation costs will be paid by the contractor in conjunction with warranty coverage;

(11) Identify any conditions which will not be covered by the warranty, other than the exclusion of combat damage; and

(12) Identify any limitation on the total dollar amount of the contractor's warranty exposure, or agreement to share costs after a certain dollar threshold to avoid unnecessary warranty returns.

(b) In addition, any DOT contract that contains a warranty clause must contain warranty implementation procedures, including warranty notification content and procedures, and identify the individuals responsible for implementation of warranty provisions. The contract may also permit the contractor's participation in investigation of system failures, providing that the contractor be paid at established rates for fault isolation work, and that the Government receive credit for any payments where equipment failure is covered by warranty provisions.

1246.770 Use of warranties in major system acquisitions by Coast Guard.

This section sets forth policy and procedures for the Coast Guard to use in obtaining warranties from prime contractors when contracting for the production of a major system. Other operating administrations may use these procedures as guidelines.

1246.770–1 Policy.

The Coast Guard shall include written warranties in all contracts with prime contractors for major system acquisitions. The warranties shall meet the following requirements (as well as those specified at 1246.771):

(a) For systems or components which are commercially available, such warranty as is normally provided by the manufacturer or supplier shall be obtained (see FAR 46.703(d)), and the contractor shall warrant that all systems or components delivered under the contract will be free from defects in material and workmanship at the time of acceptance or delivery as specified in the contract.

(b) For systems or components provided in accordance with either design or performance requirements as specified in the contract or any modification to that contract, a written warranty of compliance with the stated requirements shall be obtained. The warranty shall also provide that the system or component is free from all defects in materials and workmanship at the time of acceptance or delivery as specified in the contract.

(c) The warranty provided under paragraph (b) of this section shall provide that in the event the major system or any component thereof fails to meet the terms of the warranty provided, the contracting officer may:

(1) Require the contractor to promptly

take such corrective action as the contracting officer determines to be necessary at no additional cost to the United States, including repairing or replacing all parts necessary to achieve the requirements set forth in the contract,

(2) Require the contractor to pay costs reasonably incurred by the United States in taking necessary corrective action, or

(3) Equitably reduce the contract price.

(d) Any written warranty shall specifically exclude coverage of combat damages where there is some likelihood that the warranted items may be subjected to such damage.

1246.770-2 Tailoring warranty terms and conditions.

As the objectives and circumstances vary considerably among major system acquisition programs, contracting officers shall appropriately tailor the required warranties on a case-by-case basis, including remedies, exclusions, limitations and duration; provided such are consistent with the specific requirements of this section (see FAR 46.706). Contracting officers for major system acquisitions may exclude from the terms of the warranty certain defects for specified supplies (exclusions) and may limit the contractor's liability under the terms of the warranty (limitations), as appropriate, if necessary to derive a cost-effective warranty in light of the technical risk, contractor financial risk, or other program uncertainties. Contracting officers are encouraged to structure broader and more comprehensive warranties where such are advantageous. Likewise, the contracting officer may narrow the scope of a warranty when appropriate (e.g., where it would be inequitable to require a warranty of all performance requirements because a contractor had not designed the system). It is the Department's policy not to include in warranty clauses any terms that require contractor liability for loss, damage or injury to third parties.

1246.770-3 Warranties on government-furnished property.

A prime contractor for a major system acquisition shall not be required to provide the warranties specified in section 1246.770-2 of this part on any property furnished to that contractor by the United States except for (a) defects in installation, and (b) installation or modification in such a manner that invalidates a warranty provided by the manufacturer of the property.

1246.771 Cost benefit analysis.

It is the Department's policy to obtain warranties for a major system acquisition only when they are cost beneficial. If a specific warranty is considered not to be cost beneficial by the contracting officer, a waiver request shall be initiated under section 1246.772 of this part. In order to determine whether use of a warranty would be cost beneficial, an analysis must be performed to compare the benefits to be derived from the warranty with its acquisition and administration costs, and the contract file documented accordingly. The analysis should examine the major system's life cycle costs, both with and without a warranty. Where possible, a comparison should be made with the costs of obtaining and enforcing similar warranties on similar systems.

1246.772 Waiver and notification procedures.

The Secretary of Transportation may waive the requirement for a written warranty for Coast Guard major acquisition systems when such waiver is in the interest of national defense or if the warranty obtained would not be cost beneficial. Waivers may be granted provided that the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive the warranty requirement and the reasons supporting such a determination prior to granting the waiver. The written request for Secretarial waiver of the warranty requirement shall include, at a minimum:

(a) A brief description of the major system and its stage of production, e.g., the number of units delivered and anticipated to be delivered during the life of the program;

(b) The specific waiver requested, the duration of the waiver if it is to involve more than one contract, and the rationale for the waiver; and

(c) All documentation supporting the request for waiver, such as a cost-benefit analysis.

All waivers shall be forwarded via the Office of Acquisition and Grants Management for submission to the Secretary. The Coast Guard shall maintain a written record of each waiver granted and the Congressional notification and report made, together with supporting documentation, for use in answering inquiries.

[FR Doc. 88-2270 Filed 2-3-88; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF DEFENSE

Department of the Navy

48 CFR Parts 5215 and 5252

Navy Acquisition Regulations Supplement; Policy for Use of Cost and Pricing Data and Cost Analysis Where Adequate Price Competition Exists; Extension of Comment Period

AGENCY: Department of the Navy.

ACTION: Proposed Rule comment period extended.

SUMMARY: The Department of the Navy published on December 23, 1987 (52 FR 48550) a Proposed Rule to parts 5215 and 5252 of the Navy Acquisition Regulations Supplement (NARSUP) to add clarifying language to Adequate Price Competition. The closing date for public comments was 22 January 1988. The public comment period is extended until 23 February 1988.

DATE: Public comments on the proposed rule should be received by February 23, 1988.

ADDRESS: Interested parties should submit written comments to: Office of the Assistant Secretary of the Navy (Shipbuilding & Logistics), Contracts and Business Management, Washington, DC 20361, ATTN: Ms. Linda E. Greene or Mr. Dick Moye.

FOR FURTHER INFORMATION CONTACT: Ms. Linda E. Greene, 202-692-3324.

Dated: January 28, 1988.

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 88-2272 Filed 2-3-88; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 661 and 663

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California and Pacific Coast Groundfish Fishery; Availability of Amendments to Fishery Management Plans

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of amendments to fishery management plans and request for comments.

SUMMARY: NOAA issues this notice that the Pacific Fishery Management Council

has submitted amendments to the (1) Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (salmon FMP), and the (2) Pacific Coast Groundfish Fishery Management Plan (groundfish FMP) for review by the Secretary of Commerce (Secretary). Written comments are invited from the public. Copies of the amendments may be obtained from the addresses below.

DATE: Comments will be accepted until March 31, 1988.

ADDRESSES: Comments should be sent to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or E. Charles Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731–7415. Copies of the amendments are available from the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201–5344.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206–526–6150; E. Charles Fullerton, 213–514–6196; or the Pacific Fishery Management Council, 503–221–6352.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Act) requires that a regional fishery management council submit any amendment to an FMP it has prepared to the Secretary for review and approval or disapproval. The Act also requires that upon receipt of the amendment, the Secretary will publish immediately a notice stating that the amendment is available for public review and comment. Comments received from the public will be considered during the secretarial review.

The eighth amendment to the salmon FMP and the third amendment to the groundfish FMP were prepared under a 1986 amendment (Pub. L. 99–659) to the Act, which requires that any FMP amendment occurring after January 1, 1987—

(1) Include readily available information regarding the significance of habitat to the fishery and assessment as to the effects which changes to that habitat may have upon the fishery; and

(2) Consider, and may provide for, temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safety of vessels.

An environmental assessment and requirements of other applicable law are incorporated in each of the amendments.

No regulatory changes are being proposed as a result of these amendments.

Authority: 16 U.S.C. 1801 et seq.

Dated: February 1, 1988.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management.

[FR Doc. 88–2366 Filed 2–3–88; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 53, No. 23
Thursday, February 4, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Establishment of National Advisory Committee on Cotton Marketing

AGENCY: Office of the Secretary, USDA.

ACTION: Proposal to establish a National Advisory Committee on Cotton Marketing.

SUMMARY: The U.S. Department of Agriculture is proposing to establish a national advisory committee to review the cotton marketing system and recommend ways of improving its efficiency.

DATE: Comments must be received by February 19, 1988.

ADDRESS: Send written comments to: Jesse F. Moore, Director, Cotton Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Jesse F. Moore, (202) 447-3193.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Secretary of Agriculture intends to establish a National Advisory Committee on Cotton Marketing. The purpose of the committee is to review the cotton marketing system and to recommend ways of improving its efficiency. The review will include but not be limited to the cotton classification program, cotton standards, market quotations and the impact of High Volume Instrument (HVI) classing on the price support loan structure.

The Secretary has determined that the work of the committee is in the public interest and is in connection with the duties of the Department of Agriculture. No other advisory committee in existence is capable of advising and assisting the Department on the task assigned, nor does the Department have an alternative means to obtain the technical and practical expertise needed from private industry.

Balanced committee membership would be attained through appointment by the Secretary of Agriculture of one grower from each of the four general areas of cotton production and two representatives each from the ginner, cooperative, merchant, manufacturers and academic/research areas. One alternate member for every two regular members would also be appointed. Federal policy with respect to equal opportunity would be followed in the appointment process.

Dated: January 29, 1988.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 88-2289 Filed 2-3-88; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1988 Dress Rehearsal Census—Block Splits
Form Number: Agency—DX-110A; OMB—NA
Type of Request: New collection
Burden: 2,160 respondents; 36 reporting hours
Needs and Uses: The results of this survey will be used to refine and finalize procedures for taking the 21st Decennial Census.
Affected Public: Individuals or households
Frequency: One time
Respondent's Obligation: Mandatory
OMB Desk Officer: Francine Picoult 385-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: January 27, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc 88-2351 Filed 2-3-88; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A-588-702]

Final Determination of Sales at Less Than Fair Value; Certain Stainless Steel Butt-Weld Pipe and Tube Fittings From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that certain stainless steel butt-weld pipe and tube fittings (SSPF) from Japan are being, or are likely to be, sold in the United State at less than fair value. The U.S. International Trade Commission (ITC) will determine, within 45 days of publication of this notice, whether these imports are materially injuring, or are threatening material injury to, a United States industry.

EFFECTIVE DATE: February 4, 1988.

FOR FURTHER INFORMATION CONTACT: Judith L. Nehring, (202) 377-1769 or Michael J. Ready, (202) 377-2613, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Final Determination

We have determined that, with the exception of those sales of Fuji Acetylene Industries, Co., Ltd. (Fuji), SSPF from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, (the Act) as amended (19 U.S.C. 1673d(a)). The weighted-average margins of sales at less than fair value are shown in the "Suspension of Liquidation" section of this notice.

Case History

On September 9, 1987, we made an affirmative preliminary determination (52 FR 34973, September 16, 1987). The

following events have occurred since the publication of that notice.

On September 17, 1987, Nippon Benkan Kogyo, K.K. (Benkan), a respondent who represents a significant proportion of exports of SSPF in this investigation, requested that the Department extend the period for the final determination until not later than 135 days after the date on which the Department published its preliminary determination. The Department granted this request and postponed its final determination until not later than January 29, 1988 (52 FR 37815, October 9, 1987).

On December 11, 1987, Department held a public hearing. Interested parties submitted comments for the record in their pre- and post-hearing briefs.

Scope of Investigation

The products covered by this investigation are SSPF, whether finished or unfinished, including as-formed tubular blanks (blanks), under 14 inches in inside diameter, as provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) item number 610.8948. The corresponding Harmonized System (HS) number is 7307.23.00.

In this investigation, Gerlin, Inc. (Gerlin), a domestic manufacturer and converter of SSPF, and a party to the proceeding according to § 353.12(i)(4) of the Commerce Regulations (19 CFR 353.12(i)(4)), requested the Department to exclude blanks from the scope of investigation on the grounds that blanks constitute a separate product from finished fittings.

The Department has determined that blanks are appropriately included within the scope of this investigation. The petitioner explicitly included both unfinished and finished SSPF in its petition. Respondents and the Department have used the term "unfinished" SSPF as encompassing blanks throughout the duration of this investigation. Only Gerlin has attempted to distinguish blanks from unfinished SSPF and Gerlin has not provided the Department with a sufficient basis to support such a distinction. While the Department has the authority to modify the scope of a petition in conducting its investigation, Gerlin has not provided us with sufficient reason to do so. Therefore, the Department continues to include blanks within the scope of the investigation.

Fair Value Comparison Methodology

To determine whether sales of SSPF in the United States were made at less than fair value, we compared the United States price to the foreign market value of such or similar merchandise for the period November 1, 1986, through April 30, 1987.

Foreign Market Value

In accordance with section 773(a) of the Act, for Benkan and Fuji, we calculated foreign market value based on delivered, packed, home market prices to unrelated and related purchasers. We made deductions, where appropriate, for inland freight, brokerage and handling, rebates, and discounts. We subtracted home market packing and added U.S. packing to home market prices. Pursuant to § 353.15 of our regulations, we made circumstance of sale adjustments for differences in home market and U.S. credit expenses. We also allowed a circumstance of sale adjustment for advertising expenses incurred by Fuji. We denied a circumstance of sale adjustment for technical services claimed by both Benkan and Fuji. This claim was denied because the Department views the services that were provided as being of a general manufacturing nature rather than being directly related to sales.

In accordance with § 353.16 of the Commerce Department regulations, where there was no identical product in the home market with which to compare a product sold to the United States, we made adjustments to the price of similar merchandise. These adjustments were based on differences in the costs of material, direct labor, and directly related factory overhead.

United States Price

As provided in section 772(b) of the Act, we used the purchase price to represent the United States price for sales of SSPF directly to unrelated purchasers and for sales through a related sales agent in the United States. The Department determined that purchase price, and not exporter's sales price, was the most appropriate indicator of United States price for the sales through a related sales agent based on the following factors:

1. The merchandise was purchased or agreed to be purchased by the unrelated U.S. buyer prior to the date of importation from the manufacturer or producer of the merchandise for exportation to the United States.

2. The related selling agent located in the United States acted only as a processor of sales-related documentation and as a communication link with the unrelated U.S. buyers.

3. Rather than entering into the inventory of the related selling agent, the merchandise in question was shipped directly from the manufacturer to the unrelated buyer. Thus, it did not give rise to storage and associated costs on the part of the selling agent or create added flexibility in marketing for the exporter.

4. Direct shipment from the manufacturer to the unrelated buyer was the customary commercial channel for sales of this merchandise between the parties involved.

Where all the above elements are met, as in this case, we regard the primary marketing functions and selling costs of the exporter as having occurred in the country of exportation prior to importation of the product into the United States. In such instances, we consider purchase price to be the appropriate basis for calculating United States price.

We calculated purchase price based on the packed, c.i.f. duty paid, c.i.f. duty unpaid, or f.o.b. prices to unrelated purchasers in the United States. We made deductions under § 353.10(d)(2)(i) of the Commerce Regulations, where appropriate, for foreign inland freight, brokerage and handling charges, ocean freight, marine insurance, U.S. duty, and U.S. inland freight.

Best Information Available

On July 21, 1987, we were notified by the American Embassy in Tokyo that Mie Horo would not be responding to the questionnaire. Therefore, as required by section 776(b) of the Act, in making our fair value comparisons we used the best information available in calculating both United States price and foreign market value for Mie Horo. We used information in the petition as the best information available.

Currency Conversion

We made currency conversions in accordance with § 353.56(a)(1) of our regulations, at the rate of exchange certified by the Federal Reserve Bank.

Verification

As provided in section 776(a) of the Act, we verified all information used in reaching the final determination in this investigation. We used standard verification procedures including examination of all relevant accounting records and original source documents provided by the respondents.

Interested Party Comments

Comment 1: Petitioner argues that the dates of sale to the United States should be revised to reflect the dates of shipment for both Benkan and Fuji rather than the dates of the purchase orders because the dates of shipment reflect the dates when prices became final and determinable. Petitioner

contends that many of the prices established on the purchase orders were adjusted upwards at the time of shipment. Finally, petitioner notes that Benkan enters its U.S. sales into its accounting records on the date of "shiploading" (shipment), and thus the sale is not recognized until it is invoiced and ready to ship.

Benkan contends that the purchase order date should be used for date of sale because the purchase order is a binding, irrevocable contract whereby prices on the purchase order date are final and determinable. Respondent contends that price increases at the time of invoicing were due to currency realignments between the dollar and the yen during the period January through March, 1987. Sales negotiations were undertaken in December, 1986, and the increase in prices were reflected in shipments as of April, 1987.

DOC Position: We agree with petitioner that the date of sale for Benkan's U.S. sales should be the date of shipment. At verification we found that Benkan's prices to its U.S. customers for a majority of the sales examined were indeed revised after the date of the purchase order. The Department will recognize a sale only when all key elements (i.e., binding commitment, irrevocable price, quantities to be purchased) are determinable. Since a majority of the purchase order prices were changed at the time of shipment, the Department has determined that the prices were determinable only at the date of shipment, therefore, we have used the reported dates of shipment as the dates of sale to the United States for Benkan.

Fuji only had two sales. We have decided, based on the verification, that a price revision occurred on one of those sales after the date of the purchase order. No other changes were noted on Fuji's U.S. data as reported. Since there were only two sales, we were unable to determine whether the prices are determinable at the date of shipment or the date of purchase order as a matter of course. Therefore, the Department is using the date of purchase order for one sale and the date of shipment for the other side.

Comment 2: Petitioner contends that the claimed home market technical service expense for Benkan should be disallowed because some of the same services provided to home market customers are also extended to U.S. customers and no adjustment has been claimed for these sales. The American Society for Testing and Materials (ASTM) standards require that some of the services provided to U.S. customers by Benkan must be performed according to industry standards. If a claim for technical services is made for some of the same expenses on sales in the Japanese home market as in the U.S. market, then a similar claim for technical services expenses must be claimed for those U.S. sales requiring such services. For these reasons, technical service expenses for home market sales should not be allowed as a direct selling expense.

Respondent claims that the technical services ("supplemental specifications") are directly related to the specific sales under investigation and as such are allowable as a direct selling expense. Further, respondent claims that it does not matter whether the costs of the technical services were passed on to the home market customers. The costs and services were identified at verification and would not have occurred but for the sale of the fittings.

DOC Position: The Department agrees with the petitioner that the technical service adjustment should not be allowed. The claimed expenses were incurred in order to ensure that the producers met certain industry-wide specifications. These expenses were incurred for inspecting, stress testing, color coding, etc. Thus, they were more in the nature of general manufacturing expenses as were those incurred in meeting ASTM standards for U.S. sales, rather than technical services directly related to specific sales.

Comment 3: Petitioner has asked the Department to file supplemental instructions to Customs to prevent possible circumvention of the order by other manufacturers and producers in Japan who might ship their products through Fuji in order to take advantage of Fuji's *de minimis* margin determination. As the purchase and resale of like products is a standard business practice in this industry in Japan, petitioner contends that it is necessary to issue instructions to Customs for some type of chain-of-title certification to ensure that Fuji exports only Fuji-manufactured products.

Respondent argues that there is simply no evidence to support the allegation made by petitioner. If the Department were to require certification, it would be tantamount to a "backdoor import restriction."

DOC Position: The Department recognizes that exclusion of firms from an antidumping duty finding can create the potential for circumvention of the order by other firms who would seek to export through the excluded firms. On the other hand, it is our understanding that it is a normal practice in the SSPF industry in Japan for a producer to purchase from other producers when it is unable to fill an order.

Having weighed the competing concerns of preventing circumvention and of not restricting legitimate trade, we have determined not to require a "chain-of-title certification." If this proceeding should result in an antidumping duty order, we will consider any information presented by petitioner that the order is being circumvented.

Comment 4: Respondent contends that the yen appreciated by eight percent from January through March, 1987, and to avoid the possible sale of products at less than fair value, Benkan negotiated price increases with its U.S. customers in December, 1986. Benkan maintains that, in accordance with 19 CFR 353.56(b), it acted within a reasonable period of time to respond to exchange rates fluctuations. Respondent thus feels that those sales which are shown to be at less than fair value as a result of exchange rate fluctuations should not be taken into account for purposes of the margin determination.

Petitioner argues that because the yen appreciation was steady and not fluctuating, 19 CFR 353.56(b) does not apply. Also, the fact that the dumping margins exceeded these price revisions, leads to the conclusion that the upward price revisions were not directly tied to the rising value of the yen.

DOC Position: The Department has determined that Benkan has failed to provide sufficient evidence to support the claim that the upward price revisions were made to compensate for currency realignments between the dollar and the yen. At the hearing, the Department requested that Benkan supply us with information on whether it had a history of price adjustments to reflect currency realignments prior to the January through March, 1987, period. Benkan did not respond to this request. The Department also found that the upward revisions of price were not applied to all U.S. customers. Rather, it appears as if Benkan was selective in its application of the price revision. Thus, the Department has made necessary currency conversions in accordance with the general rule of 19 CFR 353.56(a).

Comment 5: Gerlin, a domestic manufacturer and converter of SSPF and party to the proceeding, contends that the scope of investigation should not include as-formed tubular blanks (blanks). Gerlin feels that blanks are a separate product from finished fittings and should therefore be treated as a wholly different product. Gerlin relies on the finding of *Midwood Industries v. United States*, C.D. 4026, 64 Cust Ct. 499

(1970) and *Ferrostaal Metals Corp. v. United States* 13 CIT ____, Slip Op. 87-76 (June 26, 1987), in which the Court held that the goods under consideration in these investigations had undergone substantial transformations such that the producers' goods were substantially different than the consumers' goods. Gerlin further argues that the level of trade between finished fittings and blanks is very different in that blanks are traded only between manufacturers of fittings and not at the level of consumers.

Petitioner contends that on the issue of determining separate margins for finished fittings and blanks, the Department has no justification for segregating those products which are of the same class or kind of merchandise, and Department policy mandates that the scope of investigation include the same class or kind of merchandise under one cash deposit rate. (*See, Steel Jacks from Canada*, 50 FR 42577, Oct. 21, 1985); *Certain Carbon Steel Butt-Weld Pipe Fittings from Japan*, 51 FR 46893, Dec. 29, 1986).

DOC Position: The Department agrees with the petitioner that both blank and finished SSPF are within the scope of investigation. (See discussion *supra*, "Scope of Investigation.") The Department also agrees with the petitioner that both blank and finished SSPF are within the same class or kind of merchandise. The Department takes the position that SSPF which is in the blank form is the same "class or kind" of merchandise as finished fittings. This determination is based on a consideration of the following factors: (1) General physical characteristics, (2) the expectations of the ultimate purchasers, (3) the channels of trade in which the product is sold, (4) the manner in which the product is advertised and displayed, and (5) the ultimate use of the merchandise in question. The Court of International Trade has endorsed these criteria in determining whether a product is within the "class or kind" of merchandise described in a prior antidumping finding. (*See, Diversified Products Corp. v. United States*, 572 F. Supp. 863 (C.I.T., 1983), *Kyowa Gas Chemical Industry Co., Ltd. v. United States*, 582 F. Supp. 887 (C.I.T., 1984).

Blank SSPF is physically very similar to finished SSPF. All that remains to transform blank SSPF into finished SSPF is pickling, beveling and stress testing to industry standards, which do not change the physical nature of the fitting itself. Thus, the first criterion outlined above is satisfied.

As for the second and fifth criteria, both the ultimate use and the ultimate purchaser of the SSPF are the same as for the finished SSPF, because blanks are not used to make any product other than finished SSPF, and have no independent use.

In terms of the third criterion, blanks and finished fittings move in the same channel of trade in that although blanks must be further manufactured for use as finished SSPF, there is no other use for blanks in the SSPF industry. Many U.S. importers purchase both blanks and finished fittings for resale to the ultimate end-user. Finally, since there is no separate channel of trade for blanks, the only manner in which they are advertised and displayed is in the form of finished SSPF. Thus, the fourth criterion is also met.

Since both finished SSPF and blanks are the same class or kind of merchandise, they are subject to the same cash deposit rate (*See, Bicycle Speedometers from Japan*, 52 FR 11720, April 10, 1987); *Brass Sheet and Strip from France*, 52 FR 812, January 9, 1987.)

The cases cited by Gerlin relate to transformation of products under an entirely different statutory scheme than the antidumping law. The Department is not required to follow Custom's determinations in defining the scope of its investigation. (*See, Diversified Products Corp. v. United States*, 572 F. Supp. 883 (C.I.T., 1983)).

Comment 6: Petitioner argues that since the stocking distributor discount claimed by Fuji on its home market sales could not be tied directly to invoices, a circumstance of sale adjustment for this discount should be disallowed.

Fuji argues that this discount to cover distributor's stocking expense is a direct selling expense because the discount is a condition of sale to a specific home market customer, pursuant to a contract. If the Department does not find these discounts to be direct selling expenses, then they should be considered as warehousing expenses as the customer does hold title to the goods and there is a contract outlining the seller's obligation regarding the expense.

DOC Position: The Department considers the stocking distributor discount a discount tied to sales and has subtracted it from the sales on which it was paid.

Comment 7: Petitioner claims that the adjustment for trade discounts on Fuji's home market sales should be denied because the reason for the discounts is not adequately explained and the discounts were granted after the filing date of the petition on all but one sale.

Fuji argues that it paid its major customer trade discounts in order to facilitate inventory movements at times of changing market conditions. Furthermore, to counter petitioner's claim that these discounts were post-hoc discounts as a result of the filing of the petition, respondent points to the order which was discounted two months prior to the petition filing date.

DOC Position: The Department disagrees with the petitioner, and has determined that the trade discount is an allowable adjustment. Fuji reported five sales in the home market and of these five sales, four received trade discounts. One was granted prior to the filing date of the petition, three were granted after the filing date of the petition, and the last one, which was also invoiced after the filing date of the petition, had no trade discount attached to it. The Department finds that these trade discounts are bona fide because they had initially been granted prior to the filing date of the petition and the discounts were verified on the invoices. Therefore, we have allowed this adjustment.

Comment 8: Petitioner claims that the expenses tied to the advertisement for SSPF in the local paper, the *Fuji News*, should be disallowed as it is targeted directly to Fuji's customers and not at the customer's customers. Also, the expense for the Fuji catalogue should be denied as this expense was invoiced three weeks after the last purchase order during the period of investigation. Petitioner further argues that the catalogue is not directly related to sales and is printed on an "as-needed" basis rather than on a recurring one, and is more in the category of a general expense than a direct selling expense.

Respondent argues that the advertisement in the *Fuji News* was directed to Fuji's customers' customers. The expenses for the Fuji catalogue should also be allowed because the cost of printing falls under the period of investigation and the catalogues were used by Fuji's customers to facilitate sales to end users.

DOC Position: We agree with the respondent that both the advertisement in the *Fuji News* and the Fuji catalogue are allowable as circumstance of sales adjustments. We allow a circumstance of sale adjustment for sellers' expenses directed at the customer's customer. We allow no adjustment when the target is the party purchasing from the manufacturer or exporter. (*See,* Department of Commerce Adjustment Study, p. 51, November, 1985) At verification, we examined the advertisement, the catalogue, associated expenses, and determined that these expenses were incurred on behalf of Fuji's customer's customer.

Critical Circumstances

Petitioner has withdrawn its allegation of critical circumstances. Therefore, the Department has made no final determination concerning this issue.

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of SSPF, excluding those imports from Fuji for which we have found *de minimis* margins, that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown below.

The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer/Producer/ Exporter	Weighted-average margin percentage
Nippon Benkan Kogyo, K.K.	37.24
Fuji Acetylene Industries Co., Ltd.	0.08 (*de minimis*)
Mie Horo	65.08
All others	49.31

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officers to assess an antidumping duty order on SSPF from Japan entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

January 29, 1988.

[FR Doc. 88-2352 Filed 2-3-88; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council will convene separate public meetings of its advisory bodies as follows:

Bycatch Committee—will convene February 9, 1988, at 9 a.m., at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, 7600 Sand Point Way NE., Building 4, Room 2079, to identify and prioritize the bycatch issues of primary concern to the Committee. These issues include Gulf of Alaska bycatch; the remaining and ongoing bycatch concerns in the Bering Sea, and issues originally proposed for plan amendment but deferred to the Committee by the Council at its January meeting. The public meeting will adjourn on February 10.

Future of Groundfish Fisheries Committee—will convene February 25, 1988, at 10:00 a.m., at the same location as stated above for the Bycatch Committee, to continue examining effort limitation alternatives which may be applicable to the North Pacific groundfish and crab fisheries. The Committee will continue to work toward developing a recommendation for long-term management of those fisheries for presentation to the North Pacific Council in June. The public meeting will adjourn on February 26.

For further information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271-2809.

Date: January 29, 1988.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-2310 Filed 2-3-88; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Services, NOAA, Commerce.

The Pacific Fishery Management Council will convene separate public meetings of its advisory bodies as follows:

Salmon Plan Development Team (SPDT)—will convene February 17, 1988, at 9 a.m., at the Pacific Council's office (address below), to draft the 1988 stock status report for presentation to the Pacific Council in March. The public meeting will continue through February 19.

Salmon Advisory Subpanel (SAS) and members of the Council's Scientific and Statistical Committee—will convene jointly with the SPDT, February 23, 1988, at 10 a.m., at the Red Lion Inn-Portland Center, 310 SW. Lincoln Street, Portland, OR, for a preliminary review of the 1988 stock abundance projections. This preliminary review is provided to assist SAS members in developing salmon management proposals to submit to the Pacific Council for 1988. Written or oral statements pertaining to salmon abundance projections will be accepted at appropriate times during the public meetings.

For Further information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, 2000 SW. First Avenue, Suite 420, Portland, OR 97201; telephone: (503) 221-6352.

Date: January 29, 1988.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-2311 Filed 2-3-88; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10a(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (AS).

Dates of Meeting: 23 and 24 February 1988.

Time: 0900-1700 hours each day.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board 1988 Summer Study on Technology Insertion in Army Systems will meet in the Pentagon for the purpose of gathering facts for the first phase of the study. The opening session will be devoted to the organizations of the study team and the panel's succeeding fact-gathering and report-writing efforts. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner,

may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-2254 Filed 2-3-88; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command; Directorate of Personal Property; Domestic Household Goods Program

AGENCY: Military Traffic Management Command (MTMC).

ACTION: Eligibility for Participation in the Department of Defense Domestic Household Goods Program.

SUMMARY: Participation in the Department of Defense Domestic Household Goods Program will be limited to moving van companies (motor carriers) with Interstate Commerce Commission Certificates of Public Conveyance and Necessity (or appropriate state regulatory authority for intrastate operations). Freight forwarder participation will be phased out in two stages:

(a) On November 1, 1988, only one carrier under common financial and/or administrative control with others will be permitted to participate in the same traffic channel, in the same code of service. Origin agents will be restricted to representing only two forwarders.

(b) On November 1, 1989, participation in the domestic household goods program will be restricted to van lines (motor carriers) only.

FOR FURTHER INFORMATION CONTACT: LT Marcial B. Dumlao, SC, USN, HQ. Military Traffic Management Command, ATTN: MT-PPQ (Room 423), 5611 Columbia Pike, Falls Church, Virginia 22041-5050, (703) 756-1784.

Joseph R. Marotta,

Colonel, General Staff, Director of Personal Property.

[FR Doc. 88-2255 Filed 2-3-88; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Proposed Physical Facilities Development Program, Naval Undersea Warfare Engineering Station, Indian Island Detachment, Hadlock, WA; Finding of No Significant Impact

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR Part 1500), the Department of the Navy announces its decision not to prepare an environmental impact statement for the Proposed Physical Facilities Development Program at the Naval Undersea Warfare Engineering Station, Indian Island Detachment, Hadlock, Washington.

The proposed development program consists of eleven Military Construction Projects to support the Naval Undersea Warfare Engineering Station mission of ordnance storage and renovation in support of fleet ships. The projects include missile and high explosive magazines, covered operational storage, an explosive operations facility, a service craft pier replacement, a fire station, a public works maintenance shop, ammunition wharf improvements, road reconstruction, and a helicopter landing pad.

Alternatives to the proposed project were evaluated, including no action and various alternative siting alternatives. Because of stringent safety requirements at ordnance activities, however, land use patterns are driven primarily by consideration of Explosive Safety Quantity Distance (ESQD) arcs generated by ordnance storage and renovation activities. Additional facilities may only be sited in areas where newly-generated ESQD arcs will not affect existing facilities. Because support functions must be sited outside boundaries of explosive arcs produced by ordnance activities, available locations for new facilities are limited. Therefore, because of these siting requirements, planned ordnance functions must be sited as described in the preferred alternative. The service pier replacement and the ammunition wharf improvements involve existing facilities and provide no siting alternatives.

The Environmental Assessment provides an analysis of impacts from the no action alternative. Based on the absence of significant adverse environmental effects, in keeping with national security interests, and the increased safety provided by the proposed development program, the no action alternative was not considered feasible.

The proposed development program has been located in conformance with the Naval Undersea Warfare Engineering Station, Indian Island Detachment Master Plan, is compatible with existing land use, and will be implemented in a manner consistent to the maximum extent practicable with the Washington Coastal Zone Management Program and in accordance with applicable requirements of federal and state laws and permit requirements.

The proposed projects will continue to observe all existing restrictions within the bald eagle protection zones as described in the Indian Island Naval Installation Bald Eagle Management Plan prepared jointly by the Navy and the U.S. Fish and Wildlife Service. All proposed new structures are located outside the eagle protection zones. The U.S. Fish and Wildlife Service, Olympia Office, concurs that the proposed development program will have no impact on the eagle population at Indian Island.

The Environmental Assessment indicates that by employing alternative procedures and mitigation measures, no significant adverse impacts would occur as a result of construction and operation of the proposed facilities at Indian Island. The appropriate Federal and State of Washington resource agencies have been contacted and their concerns have been addressed. Construction and operation of the waterfront facilities will be in compliance with the U.S. Army regulatory program.

The Environmental Assessment prepared by the Department of the Navy addressing this action is on file and may be reviewed by interested parties at the point of origin: Director, Pacific Northwest Branch Office, Western Division Naval Facilities Engineering Command, 3505 NW. Anderson Hill Road, Silverdale, Washington 98383 (Attn: Mr. John Linquist, Code 202NW, telephone (206) 476-5773); or at the Environmental Protection, Safety, and Occupational Health Division (OP-45), Office of the Chief of Naval Operations, Crystal Plaza-5, 2211 Jefferson Davis Highway, Arlington, Virginia 22202, telephone (202) 692-5577. Several copies of the Environmental Assessment will be placed with the Jefferson County Administration Office and a limited number of copies are available from the point of origin to fill single-copy requests.

Date: January 29, 1988.

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 88-2273 Filed 2-3-88 8:45 am]

BILLING CODE 3810-AE-M

Government-Owned Inventions; Availability for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made

available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC. 20231, for $1.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $6.95 each ($10.95 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: February 4, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000, telephone (202) 696-4001.

Patent 4,492,014: Jet Engine Compressor Stage Puller; filed 8 April 1983; patented 8 January 1985.

Patent 4,492,121: Gauge for Measuring High Transient Pressures; filed 30 September 1982; patented 8 January 1985.

Patent 4,492,434: Multi-Color Tunable Semiconductor Device; filed 7 January 1982; patented 8 January 1985.

Patent 4,492,672: Enhanced Microstructural Stability of Nickel Alloys: filed 19 April 1982; patented 8 January 1985.

Patent 4,492,923: Apparatus for Measuring the Spatial Scalar Variation of a Magnetic Field With Vector Magnetic Sensors on a Moderately Stable Moving Platform; filed 21 June 1982; patented 8 January 1985.

Patent 4,493,260: Annular Shaped Charge for Breaching Masonary Walls; filed 8 November 1983; patented 15 January 1985.

Patent 4,493,262: Fuel Air Explosive Device; filed 3 November 1982; patented 15 January 1985.

Patent 4,494,115: Controller for a Locked Carrier Distributed Multiplexed Telemetry System; filed 15 July 1981; patented 15 January 1985.

Patent 4,493,373: Fail Safe Rocket Motor; filed 17 May 1980; patented 22 January 1985.

Patent 4,495,848: Pyro-Gun; filed 6 July 1981; patented 29 January 1985.

Patent 4,497,046: Long Line Hydrophone; filed 24 June 1981; patented 29 January 1985.

Patent 4,498,233: Retrieval Tool for Socket Contacts; filed 27 August 1982; patented 12 February 1985.

Patent 4,498,329: Apparatus for Measurement of Sliding Friction Using Gyroscopic Mass; filed 20 May 1983; patented 12 February 1985.

Patent 4,499,309: Derivatives of Energetic Orthoformates; filed 18 February 1983; patented 12 February 1985.

Patent 4,500,295: Personnel Alpha Contamination Simulator and Detector; filed 26 May 1983; patented 19 February 1985.

Patent 4,502,758; Absorption Path Controlled Filter; filed 24 June 1982; patented 5 March 1985.

Patent 4,503,229: 1,4,5,8-Tetranitor-1,4,5,8 Tetraazadifurazano-Declain; filed 24 June 1983; Patented 5 March 1985.

Patent 4,505,023; Method of Making a Planar INP Insulated Gate Field Transistor by a Virtual Self-Aligned Process; filed 29 September 1982; patented 19 March 1985.

Patent 4,506,324: Simulator Interface System; filed 8 March 1982; patented 19 March 1985.

Patent 4,512,745: Flight Simulator With Dual Probe Multi-Sensor Simulation; filed 16 May 1983; patented 23 April 1985.

Patent 4,513,148: Method for the Preparation of Methylnitramine; filed 1 July 1982; patented 23 April 1985.

Patent 4,514,479: Method of Making Near Infrared Polarizers; filed 1 July 1980; patented 30 April 1985.

Patent 4,516,111: Pulsewidth Modulated, Charge-Transfer, Digital to Analog Converter; filed 1 July 1982; patented 7 May 1985.

Patent 4,520,973: Stabilized Gimbal Platform; filed 11 April 1983; patented 4 June 1985.

Patent 4,523,842: Aspheric Surface Test Fixture; filed 18 March 1983; patented 18 June 1985.

Patent 4,524,190: Process for Preparation of Cross Linked Poly(Tri-N-Butyltin) Methacrylate With Simultaneous Particle Size Reduction; filed 14 May 1984; patented 18 June 1985.

Patent 4,524,279: Radiation Source Shield and Calibrator; filed 18 February 1983; patented 18 June 1985.

Patent 4,525,720: Integrated Spiral Antenna and Printed Circuit Balun; filed 15 October 1982; patented 25 June 1985.

Patent 4,526,545: Diurnal Effects Simulator; Filed 12 May 1983; patented 2 July 1985.

Patent 4,527,062: Portable Infrared Spectrophotometer; filed 5 July 1983; patented 2 July 1985.

Patent 4,527,459: Small Arms Ammunition Loading System; filed 17 August 1983; patented 9 July 1985.

Patent 4,529,801: Primary Explosive; filed 28 November 1983; patented 16 July 1985.

Patent 4,531,013: Preparation of Diaminotetranitronaphthalene; filed 3 August 1984; patented 23 July 1985.

Patent 4,531,299: Analog Inclination Data System; filed 21 March 1984; patented 30 July 1985.

Patent 4,532,801: Method and Apparatus for Determining Small Magnitude Fluid-Dynamic Drag Resistance Differentials Between Different Structural Configurations of a Model; filed 17 May 1984; patented 6 August 1985.

Patent 4,543,655: Free Electron Laser Device for Scanning a Spatial Field; filed 2 July 1984; patented 24 September 1985.

Patent 4,544,285: Fluid Equalized Tilting Pad Thrust Bearings; filed 18 April 1983; patented 1 October 1985.

Patent 4,546,317: Free Nuclear Procession Gradiometer System; filed 1 July 1983; patented 8 October 1985.

Patent 4,547,656: Portable Smoke Generator; filed 9 April 1984; patented 15 October 1985.

Patent 4,547,776: Loop Antenna With Improved Balanced Feed; filed 3 November 1983; patented 15 October 1985.

Patent 4,552,298: Apparatus for Attaching an Underwater Explosive Pad Eye; filed 29 April 1983; patented 12 November 1985.

Patent 4,554,554: Quadrifilar Helix Antenna Tuning Using Pin Diodes; filed 2 September 1983; patented 19 November 1985.

Patent 4,568,041: Fin Attachment; filed 19 March 1984; patented 4 February 1986.

Patent 4,568,159: CCD Head and Eye Position Indicator; filed 26 November 1982; patented 4 February 1986.

Patent 4,568,820: Smoke Generator; filed 18 May 1984; patented 4 February 1986.

Patent 4,569,886: Fabrication of Novel Whisker Reinforced Ceramics; filed 18 June 1984; patented 11 February 1986.

Patent 4,571,631: CIG Distortion Correction with Delay Lines; filed 2 April 1984; patented 18 February 1986.

Patent 4,574,096: Suspension Method of Impregnating Active Material Into Composite Nickel Plaque; filed 29 May 1985; patented 4 March 1986.

Patent 4,574,287: Fixed Aperture, Rotating Feed, Beam Scanning Antenna System; filed 4 March 1983; patented 4 March 1986.

Patent 4,575,811: Vector Summation Power Amplifier; filed 21 June 1982; patented 11 March 1986.

Patent 4,578,287: Process for Producing Graphite Fiber/Aluminum-Magnesium Matrix Composites; filed 9 October 1984; patented 25 March 1986.

Patent 4,581,527: Damage Assessment System for Composite Plastic Structures Using Fiber Optics; filed 29 July 1983; patented 8 April 1986.

Patent 4,576,882: Polyethylene Imine-Metal Salt Solid Electrolyte; filed 28 February 1985; patented 18 March 1986.

Patent 4,587,325: Processable and Stable Conducting Polymers From Diether-Linked Bisorthodinitrile Monomers; filed 9 January 1985; patented 6 May 1986.

Patent 4,587,881: Depression Gun Pod; filed 11 October 1984, patented 13 May 1986.

Patent 4,588,662: Method and Device for Filling the Cells of a Battery With Electrolyte; filed 29 July 1985; patented 13 May 1986.

Patent 4,589,137: Electronic Noise-Reducing System; filed 3 January 1985; patented 13 May 1986.

Patent 4,591,864: Frequency Independent Twisted Wave Front Constant Beamwidth Lens Antenna; filed 13 June 1983; patented 27 May 1986.

Patent 4,593,110: Preparation of 1,3-dioxa-5,5,6,6,7,7-hexafluorocyclooctane; filed 8 July 1985; patented 3 June 1986.

Patent 4,593,602: Rocket Weapon System and Method Therefor; filed 4 December 1984; patented 10 June 1986.

Patent 4,594,542: Solid State, High-Low Resistance Monitor; filed 21 February 1984; patented 10 June 1986.

Patent 4,595,463: Cobalt Treatment of Nickel Composite Electrode Surfaces; filed 29 May 1985; patented 17 June 1986.

Patent 4,595,792: Method for Detecting Faults in a Synthetic Electro-Mechanical Cable; filed 1 April 1983; patented 17 June 1986.

Patent 4,595,925: Altitude Determining Radar Using Multipath Discrimination; filed 28 March 1983; patented 17 June 1986.

Patent 4,600,455: Method for Bonding a Thin Sheet to a Rigid Body; filed 25 July 1984; patented 15 July 1986.

Patent 4,601,344: Pyrotechnic Fire Extinguishing Method; filed 29 September 1983; patented 22 July 1986.

Patent 4,601,961: Bilaminar Seawater Battery; filed 4 November 1985; patented 22 July 1986.

Patent 4,603,398: Matrix-Matrix Multiplication Using an Electrooptical Systolic/Engagement Array Processing Architecture; filed 17 February 1984; patented 29 July 1986.

Patent 4,603,422: Long-Lived Laser Dye; filed 26 September 1984; patented 29 July 1986.

Patent 4,603,823: Airspeed Sensing Pressure Valve System; filed 2 July 1984; patented 5 August 1986.

Patent 4,603,486: Automated Anthropometric Data Measurement System; filed 17 October 1985; patented 5 August 1986.

Patent 4,604,938: Arresting & Recovery System for Test Missiles; filed 2 August 1984; patented 12 August 1986.

Patent 4,605,932: Nested Microstrip Arrays; filed 6 June 1984; patented 12 August 1986.

Patent 4,606,049: Remote Transmitter Control System; filed 3 December 1984; patented 12 August 1986.

Patent 4,606,293: Explosively Actuated Mine Cable Marker Device; filed 13 September 1984; patented 19 August 1986.

Patent 4,607,912: In-Line Optical Fiber Polarizer; filed 7 December 1983; patented 26 August 1986.

Patent 4,609,215: Hydraulic Locking Boltwork System; filed 20 August 1984; patented 2 September 1986.

Patent 4,609,362: Non-Soniferous Power Drive for Underwater Vehicles; filed 5 July 1983; patented 2 September 1986.

Patent 4,609,871: Temperature Compensated Optical Fiber Interferometric Magnetometer; filed 2 July 1984; patented 2 September 1986.

Patent 4,611,245: Real-Time Ultra-High Resolution Image Projection Display Using Laser-Addressed Liquid Crystal Light Valve; filed 29 October 1984; patented 9 September 1986.

Patent 4,612,642: Operation of Transversely Excited N_2O Lasers; filed 17 September 1984; patented 16 September 1986.

Patent 4,612,660: Time Resolved Extended X-Ray Absorption Fine Structure Spectrometer; filed 17 May 1985; patented 16 September 1986.

Patent 4,613,755: Method of Mass Spectrometry; filed 20 June 1983; patented 23 September 1986.

Patent 4,613,810: High Output Programmable Signal Current Source for Low Output Impedance Applications; filed 10 May 1985; patented 23 September 1986.

Patent 4,614,672: Liquid Phase Epitaxy (LPE) of Silicon Carbide; filed 6 June 1985; patented 30 September 1986.

Patent 4,614,918: Frequency Generator With Digitally Controlled Phase Modulation; filed 27 October 1980; patented 30 September 1986.

Patent 4,615,903: Method for Melt-Coating a Surface; filed 1 July 1985; patented 7 October 1986.

Patent 4,617,493: Collective Interaction Kystron; filed 28 January 1985; patented 14 October 1986.

Patent 4,617,530: Pseudo-Random Noise Generator; filed 17 June 1985; patented 14 October 1986.

Patent 4,619,986: Epoxy Phthalonitrile Polymers; filed 28 June 1985; patented 28 October 1986.

Patent 4,619,845: Method for Generating Fine Sprays of Molten Metal for Spray Coating and Powder Making; filed 22 February 1985; patented 28 October 1986.

Patent 4,620,733: Shipboard Internal Locking System; filed 2 July 1985; patented 4 November 1986.

Patent 4,620,942: Electrically Conductive Ladder Polymers; filed 31 May 1983; patented 4 November 1986.

Patent 4,621,896: Optical Fibers With Reduced Pressure Sensitivity to High Frequency Acoustic Fields; filed 30 July 1984; patented 11 November 1986.

Patent 4,622,266: Moldable Electrically Conductive Polymer Compositions; filed 30 May 1985; patented 11 November 1986.

Patent 4,622,552: Factored Matched Filter/FET Radar Doppler; filed 31 January 1984; patented 11 November 1986.

Patent 4,623,106: Reentry Vehicle Having Active Control and Passive Design Modifications; filed 25 October 1984; patented 18 November 1986.

Patent 4,623,219: Real-Time High-Resolution 3-D Large-Screen Display Using Laser-Actived Liquid Crystal Light Valves; filed 15 April 1935; patented 18 November 1986.

Patent 4,626,369: Lead Zirconate Titanate Ceramics; filed 26 July 1985; patented 2 December 1986.

Patent 4,626,283: Chemiluminescent System Catalysts; filed 3 April 1985; patented 2 December 1986.

Patent 4,626,764: Photovoltaic Battery Charge Controller; filed 2 September 1983; patented 2 December 1986.

Patent 4,627,586: Thrust Vectoring Apparatus for Maneuvering Missile in Flight; filed 29 October 1984; patented 9 December 1986.

Patent 4,627,822: Low Temperature Inflator Apparatus; filed 20 May 1985; patented 9 December 1986.

Patent 4,628,006: Passivation of Hybrid Microelectronic Circuits; filed 20 January 1984; patented 9 December 1986.

Patent 4,628,010: Fuel Cell With Storable Gas Generator; filed 13 December 1985; patented 9 December 1986.

Patent 4,630,011: Microwave and Millimeter Wave Phase Shifter; filed 12 December 1985; patented 16 December 1986.

Patent 4,630,224: Automation Initialization of Reconfigurable On-Line Automatic Test System; filed 19 April 1984; patented 16 December 1986.

Patent 4,630,300: Front-End Processor for Narrowband Transmission; filed 5 October 1983; patented 16 December 1986.

Patent 4,630,883: Optical Waveguide Apparatus and Method for Manufacturing; filed 21 March 1983; patented 23 December 1986.

Patent 4,631,303: Underwater Formulation and Method for Cleaning and Waxing Simultaneously; filed 28 June 1985; patented 23 December 1986.

Patent 4,631,447: IREB Converter to AC Pulses; filed 17 October 1984; patented 23 December 1986.

Patent 4,631,586: Digital Raster Timing Encoder/Decoder; filed 6 July 1984; patented 23 December 1986.

Patent 4,631,709: Low Cost Sonobuoy; filed 13 July 1984; patented 23 December 1986.

Patent 4,631,956: Air Deployed Oceanographic Mooring; filed 27 August 1984; patented 30 December 1986.

Patent 4,632,010: AIRBOC Chaff Deployment System; filed 1 April 1985; patented 30 December 1986.

Patent 4,632,889: Lithium Composite Anode; filed 2 July 1985; patented 30 December 1986.

Patent 4,633,170: Bragg Cell Spectrum Analyzer; filed 5 June 1984; patented 30 December 1986.

Patent 4,634,201: Connector/Nitinol Contact Force Device; filed 7 May 1984; patented 6 January 1987.

Patent 4,634,230: Multi-Dimensional Instantaneous Optical Signal Processor; filed 3 February 1984; patented 6 January 1987.

Patent 4,636,358: Concretization of High Level Radioactive Source in Marine Sediment; filed 4 February 1985; patented 13 January 1987.

Patent 4,636,638: Remote Optical Crack Sensing System Including Fiberoptics; filed 12 October 1984; patented 13 January 1987.

Patent 4,636,767: Mixed Semiconductor Film Device for Monitoring Gases; filed 21 August 1985; patented 13 January 1987.

Patent 4,640,003: Method of Making Planar Geometry Schottky Diode Using Oblique Evaporation and Normal Incidence Proton Bombardment; filed 30 September 1985; patented 3 February 1987.

Patent 4,642,218: Hot Rolling of Ceramics by the Use of Self Propagating Synthesis; filed 19 October 1984; patented 10 February 1987.

Patent 4,642,271: BN Coating of Ceramic Fibers for Ceramic Fiber Composites; filed 11 February 1985; patented 10 February 1987.

Patent 4,644,399: Video/Digital Data Multiplexer; filed 2 May 1983; patented 17 February 1987.

Patent 4,644,556: Extended Laser Sensor; filed 25 January 1984; patented 17 February 1987.

Patent 4,648,083: All-Optical Towed and Conformal Arrays; filed 3 January 1985; patented 3 March 1987.

Patent 4,650,329: Optical 3-D Signature Device for Detecting Chemical Agents; filed 29 November 1984; patented 17 March 1987.

Patent 4,633,331: Test Apparatus for Uniform Tensioning of Long Lengths of Small Cables in Simulated Environments; filed 30 June 1986; patented 31 March 1987.

Patent 4,653,915: Technique for the Reduction of Fading in Interferometers; filed 12 April 1985; patented 31 March 1987.

Patent 4,653,917: Fiber Optic Gyroscope Operating With Unpolarized Light Source; filed 24 March 1983; patented 31 March 1987.

Patent 4,655,660: Low-Profile Fastener; filed 22 February 1985; patented 7 April 1987.

Patent 4,658,359: Method for Managing Redundant Resources in a Complex Avionics Communication System; filed 31 December 1984; patented 14 April 1987.

Patent 4,658,745: Collapsible Salvage Drum and Method; filed 22 June 1981; patented 21 April 1987.

Patent 4,658,926: Seal for Air Cushion Vehicle; filed 11 February 1985; patented 21 April 1987.

Patent 4,660,164: Multiplexed Digital Correlator; filed 5 December 1983; patented 21 April 1987.

Patent 4,660,182: Programmable Multichannel Sonobuoy Transmitter; filed 20 June 1984; patented 21 April 1987.

Patent Application 006,517: Gloss Measurement Device; filed 23 January 1987.

Patent Application 016,694: Active Filter Using Low Gain Amplification Stages; filed 19 February 1987.

Patent Application 017,967: Universal Footing With Jetting System; filed 24 February 1987.

Patent Application 025,742: Buried Metallic Layer Formed by Ion Implanatation; filed 13 March 1987.

Patent Application 027,473: Method for Forming Copious $(F_2^+)_A$ Centers in Certain Stable, Broadly-Tunable Laser-Active Materials; filed 18 March 1987.

Patent Application 027,921: Security Indicating Attachment for Safe-Type Apparatus; filed 17 March 1987.

Patent Application 029,514: Thermonic Cathode Coating by OMCVD (Organo-Metallic Chemical Vapor Deposition); filed 24 March 1987.

Patent Application 037,271: Fiber-Optic Accelerometer Having Cantilevered Acceleration Sensitive Mass; filed 10 April 1987.

Patent Application 038,381: Metal Hydrides Explosive System; filed 10 April 1987.

Patent Application 043,268: Energetic Polynitro Formal Plasticizers; filed 27 April 1987.

Patent Application 043,269: 4,4,10,10-tetranitro-6,8-dioxatridecane-1,13-diol Polyformal and Method of Preparation; filed 27 April 1987.

Patent Application 046,345: Bis(2-fluoro-2,2-dinitroe-thoxy) 2,2,3,3,4,4-heptafluorobutoxymethane and a Method of Preparation; filed 1 May 1987.

Patent Application 046,474: Bis(2,2,2-fluorodinitroe-thoxy)-(1,1,1-fluorodinitro-2-propoxy) Methane and Method of Preparation; filed 30 April 1987.

Patent Application 052,501: 2,4,4,5,5,6,6-Heptafluoro-2-trifluoromethyl-3-oxaheptane-1,7-diol Polyformal and Method of Preparation; filed 5 May 1987.

Patent Application 052,503: Synthesis of Dihydroxy-Terminated Poly(2,2,3,3,4,4-hexafluoropentane-1,5-diol Formal); filed 5 May 1987.

Patent Application 054,976: FET Demodulator-Downconverter for Microwave-Modulated Optical Signals; filed 28 May 19?7.

Patent Application 078,994: Opto-Optical Beam Deflector Modular, and Shaper; filed 4 June 1987.

Patent Application 068,395: Method of Fabricating a Metal/Ceramic Composite Structure; filed 1 July 1987.

Patent Application 070,758: Co-Nitration of 1,2,4-Butanetriol and Glycerin; filed 6 July 1987.

Patent Application 071,502: Mineral Spirits Purification Process; filed 9 July 1987.

Patent Application 736,614: Reactive Evaporation of Vanadium Dioxide Thin Films; filed 21 May 1985.

Patent Application 750,970: Five-Axis Optical Fiber Gradiometer; filed 2 July 1985.

Patent Application 761,983: Aircraft With Single Surface Membranous Airfoils; filed 2 August 1985.

Patent Application 764,687: Battery Tester; filed 12 August 1985.

Patent Application 818,512: Self-Aligned Notch INP Planar Transferred Electron Oscillator; filed 13 January 1986.

Patent Application 880,524: Stibine Filter for Antimonial Lead Acid Batteries; filed 3 June 1986.

Patent Application 880,866: Microwave Pulse Compression in Dispersive Plasmas; filed 3 July 1986.

Patent Application 881,756: Diazido Alkanes and Diazido Alkanols as

Combustion Modifiers for Liquid Hydrocarbon Ramjet Fuels; filed 3 July 1986

Patent Application 901,710: Scaled-up Production of Liposome-Encapsulated Hemoglobin; filed 29 August 1986.

Patent Application 913,430: Optical Waveguide Device; filed 30 September 1986.

Patent Application 928,777: Stripping Agent for Chemically Resistance Coatings; filed 4 November 1986.

Patent Application 937,801: Microwave Circular Polarization Analyzer; filed 1 December 1986.

Patent Application 940,145: Axial Injection Orbitron; filed 10 December 1986.

Patent Application 940,121: Method for Manufacturing Integral Shadow Gridded Controlled Porosity Dispenser Cathodes; filed 10 December 1986.

Patent Application 942,670: Fluid Spray Cleaning Arrangement; filed 16 December 1986.

Patent Application 943,011: Multi-Gigawatt High-Efficiency RF Amplifier; filed 18 December 1986.

Date: January 29, 1988.

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 88-2274 Filed 2-3-88; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2.

DATES: February 17, 1988, 9:00 a.m. until conclusion of business, approximately 5:00 p.m.

ADDRESS: National Advisory Council on Indian Education, 330 C Street, SW., Room 4072 (Conference Room), Switzer Building, Washington, DC 20202 (202/732-1353).

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 330 C Street SW., Room 4072, Switzer Building, Washington, DC 20202 (202/732-1353).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act (Title IV of Pub. L. 92-318), and to advise Congress, and the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The meeting will be open to the public. The proposed agenda includes:

(1) Discussion on Search for Executive Director.

(2) Election Dispute.

(3) Regular Council business.

The public is being given less than fifteen days notice of this meeting due to uncertainty of all Council Members being able to schedule their time to attend the meeting on February 17th to have a quorum.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 330 C Street SW., Room 4072, Switzer Building, Washington, DC 20202.

Date: February 2, 1988. Signed at Washington, DC.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 88-2438 Filed 2-3-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

Liquids Transportation Task Group Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council; Open Meeting

Notice is hereby given of the following meeting:

Name: Liquids Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Wednesday, February 17, 1988, 1:00 p.m.

Place: National Petroleum Council, 1625 K Street, NW., Conference Room, Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE-1), Washington, DC 20585, Telephone: 202/586-4695.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the Meeting: Discuss pipeline survey and progress on individual assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.

—Discuss the pipeline survey.

—Review progress on individual assignments.

—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, DC., between the hours of 9:00 AM and 4:00 PM Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 88-2277 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

Natural Gas Transportation Task Group Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council; Public Meeting

Notice is hereby given of the following meeting:

Name: Natural Gas Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Wednesday, February 17, 1988, 8:30 a.m.

Place: National Petroleum Council, 1625 K Street, NW., Conference Room, Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–4695.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the Meeting: Discuss gas pipeline survey and review progress on individual assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss the gas pipeline survey.
—Review progress on individual assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary Fossil Energy.

[FR Doc. 88–2278 Filed 2–3–88; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Proposed Consent Order With Salomon Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) announces a proposed Consent Order between the Department of Energy (DOE) and Salomon Inc. (Salomon). This Consent Order would resolve Salomon's potential liability for DOE regulatory violations based on an audit which tentatively concluded that Salomon had overcharged in crude oil resale transactions during the period August 19, 1973 through December 31, 1977. Salomon has disputed ERA's audit findings and denies any overcharge liability. No formal allegations of violations have been issued against Salomon.

ERA proposes that Salomon's liability for potential overcharges and interest be settled by payment of $16.25 million within 30 days of the effective date of the Consent Order, if finalized. ERA will direct that these monies be deposited in a suitable account for appropriate distribution by DOE. This proposed settlement reflects negotiated compromises present in every settlement, including assessments of litigation risks in significant areas of dispute between ERA and Salomon.

Pursuant to 10 CFR 205.199J, ERA will receive written comments on the proposed Order for thirty (30) days following publication of this Notice. Comments should be addressed to: Salomon Consent Order Comments, RG–30, Economic Regulatory Administration, 1000 Independence Avenue SW., Washington, DC 20585.

ERA will consider the comments received from the public in determining whether to make final the proposed settlement. This will result in one of the following courses of action: rejection of the settlement; acceptance of the settlement and issuance of a final Order; or renegotiation of the agreement and, if successful, issuance of the modified agreement as a final Order. DOE's final decision will be published in the **Federal Register**, along with an analysis of and response to the significant written and oral comments, as well as any other considerations that were relevant to the decision.

FOR FURTHER INFORMATION CONTACT: Laurence J. Hyman, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6727.

Salomon is a crude reseller subject to the audit jurisdiction of ERA to determine compliance with the federal petroleum price and allocation regulations. During the period covered by this proposed Order, Salomon engaged in, among other things, the resale of crude oil.

ERA conducted an audit of Salomon's crude oil transactions for the period August 19, 1973 through December 31, 1977 (the audit period). As a result of this audit, disputes arose between ERA and Salomon concerning Salomon's compliance with the federal petroleum price and allocation regulations which pertained to the resale of crude oil during this period.

During the audit period, Salomon engaged in a number of transactions involving crude oil physically located outside the United States, but as to which the ERA contends the provisions of the Mandatory Petroleum Price and Allocation Regulations applied. The ERA's audit indicated that Salomon had received $10.3 million in revenues in these transactions in excess of those permitted under the rules applicable during the audit period to crude oil resellers.

In its consideration of settlement, ERA reviewed the revenues Salomon had received in the subject transactions, and the costs it had incurred. The ERA also considered Salomon's contentions, primarily, that (1) its transactions involving crude oil located outside the United States were not subject to the price regulations; and that, (2) if its transactions were subject to the price regulations, Salomon had incurred substantial unrecovered product costs, or "banks," during the audit period which, under the interpretations of the regulations it advanced, would have served to reduce substantially its potential liability.

ERA has preliminarily agreed to the settlement amount after assessing the litigation risks associated with establishing the audit findings in litigation, and considering the asserted facts and legal issues underlying the audit, and appropriate settlement compromises related to those issues.

In addition to the analysis of potential litigation risks, ERA took into account such factors as the interest which could be added to possible adjudicated refund amounts, the legal and factual issues, and the time and expense required for the government to litigate fully every issue. Based on all of these considerations, ERA has tentatively concluded that the resolution of these matters for $16.25 million is an appropriate settlement. Given all these factors, ERA has made a preliminary determination that this settlement is in the public interest.

The settlement calls for Salomon to make a restitutionary payment of $16.25 million to discharge in full all of Salomon's obligations under the price and allocation regulations with regard to its crude oil transactions during the audit period. The restitutionary sum

would be paid to DOE for appropriate distribution within thirty (30) days of the effective date of the Consent Order.

Pursuant to the proposed Consent Order, Salomon and DOE mutually release each other from issues and claims regarding Salomon's compliance with the federal petroleum price and allocation regulations which pertain to Salomon's crude oil transactions during the audit period.

Submission of Written Comments

The Proposed Consent Order cannot be made effective until the conclusion of the public review process, of which this Notice is a part.

Interested persons are invited to submit written comments concerning this proposed Consent Order to the address noted above. All comments received by the thirtieth day following publication of this Notice in the **Federal Register** will be considered before determining whether to adopt the proposed Consent Order as a final Order. Any modifications of the proposed Consent Order which significantly alter its terms or impact will be published for additional comment. If, after considering the comments it has received, ERA determines to issue the proposed Consent Order as a final Order, the proposed Order will be made final and effective by publication of a Notice in the **Federal Register.**

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the provisions of 10 CFR 205.9(f)

Issued in Washington, DC, on January 28, 1988.

Milton C. Lorenz,

Chief Counsel, Office of Enforcement Litigation Economic Regulatory Administration.

I. Introduction

101. This Consent Order is entered into between Salomon Inc. ("Salomon") and the United States Department of Energy ("DOE"). Except as specifically excluded herein, this Consent Order settles and finally resolves all civil and administrative claims and disputes, whether or not heretofore asserted, between the DOE, as hereinafter defined, and Salomon, as hereinafter defined, relating to Salomon's compliance with the federal petroleum price and allocation regulations, as hereinafter defined, in its crude oil resale transactions during the period August 19, 1973, through December 31, 1977 (hereinafter "the matters covered by this Consent Order").

II. Jurisdiction, Regulatory Authority and Definitions

201. This Consent Order is entered into by the DOE pursuant to the authority conferred upon it by sections 301 and 503 of the Department of Energy Organization Act ("DOE Act"). 42 U.S.C. 7151 and 7193, Executive Order No. 12009, 42 FR 46267 (1977); Executive Order 12038, 43 FR 4957 (1978); and 10 CFR 205.199J.

202. The Economic Regulatory Administration ("ERA") was created by section 206 of the DOE Act, 42 U.S.C. 7136. In Delegation No. 0204-4, the Secretary of Energy delegated responsibility for the administration of the federal petroleum price and allocation regulations to the Administrator of the ERA.

203. The following definitions apply for purposes of this Consent Order:

a. "Federal petroleum price and allocation regulations" means all statutory requirements and administrative regulations and orders regarding the pricing and allocation of crude oil. The federal petroleum price and allocation regulations include (without limitation) the pricing, allocation, reporting, certification, and recordkeeping requirements imposed by or under the Economic Stabilization Act of 1970, the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, all applicable DOE regulations codified in 6 CFR Parts 130 and 150 and 10 CFR Parts 205, 210, 211, and 212, and all rules, rulings, guidelines, interpretations, clarifications, manuals, decisions, orders, notices, and forms relating to the pricing and allocation of crude oil, as well as Subpoena No. 1, issued to Salomon on December 29, 1986 and served on Salomon on January 5, 1987 ("Subpoena No. 1"). The provisions of 109 CFR 205.199J and the definitions under the federal petroleum price and allocation regulations shall apply to this Consent Order, except to the extent inconsistent herewith.

b. "DOE" includes not only the Department of Energy, but also the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, ERA, and all predecessor and successor agencies.

c. "Salomon" includes Salomon Inc. (formerly known as Engelhard Minerals & Chemicals Corporation, Phibro Corporation, and Phibro-Salomon Inc.), its successors, subsidiaries and affiliates (but only for such time as they were subsidiaries or affiliates of Salomon), and its officers, directors and employees.

III. Facts

The stipulated facts upon which this Consent Order is based are as follows:

301. During the period 1973 through 1977, Salomon engaged in, among other things, the resale of "crude oil", as that term is defined in the federal petroleum price and allocation regulations, and as a United States corporation is subject to the audit jurisdiction of the DOE.

302. The DOE has conducted an audit to determine Salomon's compliance with the federal petroleum price and allocation regulations during the period August 19, 1973 through December 31, 1977. As part of its audit, the DOE examined Salomon's books and records relating to Salomon's compliance with the federal petroleum price and allocation regulations.

303. During the course of the DOE's audit, subpoena enforcement proceedings instituted by the DOE, and the negotiations that led to this Consent Order, the DOE raised certain issues with respect to the application of the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order.

304. With respect to the issues raised by DOE, each party believes that its respective position is meritorious. In particular, DOE and Salomon disagree as to whether the DOE's jurisdiction under the federal petroleum price and allocation regulations extended to Salomon's transactions. However, in order to avoid the expense of protracted and complex litigation and the disruption of orderly business functions, Salomon has agreed to enter into this Consent Order. The DOE believes that this Consent Order constitutes a satisfactory resolution of the matters covered herein and is in the public interest.

IV. Remedial Provisions

401. In full and final settlement of all matters covered by this Consent Order and in lieu of all other remedies which have been or might have been sought by the DOE against Salomon for such matters, under 10 CFR 205.199I or otherwise, Salomon shall pay a total of sixteen million two hundred and fifty thousand dollars ($16,250,000.00), inclusive of interest, to DOE within 30 days of the effective date of this Consent Order. Payment shall be wire transfer, pursuant to written directions provided to Salomon by DOE.

V. Issues Resolved

501. All pending and potential civil and administrative claims, whether or not known, demands, liabilities, causes of action or other proceedings by the

DOE against Salomon regarding Salomon's compliance with and obligations under the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order, whether or not heretofore raised by an issue letter, Proposed Remedial Order, Remedial Order, action in court or otherwise, are resolved and extinguished as to Salomon by this Consent Order. This Consent Order does not cover, and does not resolve, Salomon's compliance with, or obligations under, the federal petroleum price and allocation regulations (other than Salomon's compliance with Subpoena No. 1) after December 31, 1977.

502.(a) Except as otherwise provided herein, compliance by Salomon with this Consent Order shall be deemed by the DOE to constitute full compliance for administrative and civil purposes with all federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order. In consideration for performance as required under this Consent Order by Salomon, the DOE hereby releases Salomon completely and for all purposes from all administrative and civil judicial claims, demands, liabilities or causes of action, including without limitation claims for civil penalties, that the DOE has asserted or might otherwise be able to assert against Salomon before or after the date of this Consent Order for alleged violations of the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order. The DOE will not initiate or prosecute any such administrative or civil matter against Salomon or cause or refer any such matter to be initiated or prosecuted, nor will the DOE or its successors directly or indirectly aid in the initiation of any such administrative or civil matter against Salomon or participate voluntarily in the prosecution of such actions. The DOE will not assert voluntarily in any administrative or civil judicial proceeding that Salomon has violated the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order or otherwise take any action with respect to Salomon in derogation of this Consent Order. However, nothing contained herein shall preclude the DOE from defending the validity of the federal petroleum price and allocation regulations.

(b) The DOE will not seek or recommend any criminal fines or penalties based on information or evidence currently in its possession with respect to the matters covered by this Consent Order, provided, however, that nothing in this Consent Order Precludes the DOE from (1) seeking or recommending such criminal fines or penalties if information subsequently coming to its attention indicates, either by itself or in combination with information or evidence currently known to the DOE, that a criminal violation may have occurred or (2) otherwise complying with its obligations under law with regard to forwarding information of possible criminal violations of law to appropriate authorities. Nothing contained herein may be construed as a bar, estoppel, or defense against any criminal or civil action brought by an agency of the United States other than the DOE under (i) section 210 of the Economic Stabilization Act of 1970 or (ii) any statute or regulation other than the federal petroleum price and allocation regulations. Finally, this Consent Order does not prejudice the rights of any third party.

(c) Salomon releases the DOE completely and for all purposes from all administration and civil judicial claims, liabilities, or causes of action that Salomon has asserted or may otherwise be able to assert against the DOE relating to the DOE's administration of the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order. This release, however, does not preclude Salomon from asserting any factual or legal position or argument as a defense against any action, claim, or proceeding brought by the DOE, the United States, or any agency of the United States. Salomon also agrees that, upon the effective date of this Consent Order, it shall withdraw paragraphs 4 and 5 and subparagraph 7(iii) of Request No. 87063001R made under the Freedom of Information Act, 5 U.S.C. Section 552, *et seq.*, and not to initiate or prosecute any requests or claims under the Freedom of Information Act pertaining to paragraphs 4 and 5 and subparagraph 7(iii) or the matters which they address. Salomon will not initiate or prosecute any new requests under the Freedom of Information Act with respect to the matters covered by this Consent Order unless such requests also relate to issues affecting Salomon's compliance with or obligations under the federal petroleum price and allocation regulations after December 31, 1977.

503. Execution of this Consent Order constitutes neither an admission by Salomon nor a finding by the DOE of any violation by Salomon of any statute or regulation. The DOE has determined that it is not appropriate to seek to impose civil penalties for the matters covered by this Consent Order, and the DOE will not seek any such civil penalties. None of the payments or expenditures made by Salomon pursuant to this Consent Order is to be considered for any purposes as a penalty, fine, or forfeiture or as settlement of any potential liability for penalties, fines or forfeitures.

504. Notwithstanding any other provision herein, with respect to the matters covered by this Consent Order, the DOE reserves the right to initiate an enforcement proceeding or to seek appropriate penalties for any newly discovered regulatory violations committed by Salomon, but only if Salomon has concealed facts relating to such violations. The DOE and Salomon also reserve the right to seek appropriate judicial remedies, other than full rescission of this Consent Order, for any misrepresentation of fact material to this Consent Order during thre course of the audit or the negotiations that preceded this Consent Order.

VI. Recordkeeping, Reporting and Confidentiality

601. Salomon shall maintain such records as are necessary to demonstrate compliance with the terms of this Consent Order. To assist DOE in distribution of the monies paid pursuant to paragraph 401, Salomon shall also maintain sales volume data and customers' names and addresses regarding its sales of crude oil for the transactions covered by this Consent Order until thirty (30) days after final distribution by DOE of the funds paid pursuant to paragraph 401. The DOE in this first instance will attempt to obtain this information from the documents already provided to the DOE by Salomon in the course of the DOE's audit and Salomon's subpoena production. Thereafter, if requested, Salomon shall make such information available to DOE. Except as otherwise provided in this paragraph, upon completion of payment to DOE of the amount set forth in paragraph 401 of this Consent Order, Salomon is relieved of its obligation to comply with the recordkeeping requirements of the federal petroleum price and allocation regulations relating solely to the matters settled by this Consent Order.

602. Except for final requests for information regarding other firms subject to the DOE's information gathering and reporting authority,

Salomon will not be subject to any audit requests, report orders, subpoenas, or other administrative discovery by DOE relating solely to Salomon's compliance with the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order.

603. The DOE will treat the sensitive commerical and financial information provided by Salomon pursuant to negotiations which were conducted with respect to this Consent Order or obtained by the DOE in its audit of Salomon and related to matters covered by this Consent Order as confidential and proprietary and will not dislose such information unless required to do so by law, including a request by a duly authorized committee or subcommittee of Congress. If a request or demand for release of any such information is made pursuant to law, the DOE will claim any privilege or exemption reasonably available to it. The DOE will provide Salomon with ten (10) days' actual notice, if possible, of any pending disclosure of such information, unless prohibited or precluded from doing so by law or request of Congress. The DOE will retain the audit information which it has acquired during its review of Salomon's compliance with the federal petroleum price and allocation regulations in accordance with the DOE's established records retention procedures. Notwithstanding the otherwise confidential treatment afforded such information by the terms of this Consent Order, the DOE will make such information available to the Department of Justice ("DOJ") in response to a request pursuant to the DOJ's statutory authority by a daily authorized representative of the DOJ. If requested by the DOJ, the DOE shall not disclose that such a request has been made. Nothing in this paragraph shall be deemed to vaive or prejudice any right Salomon may have independent of this Consent Order regarding the disclosure of sensitive commercial and financial information.

VII. Contractual Undertaking

701. It is the understanding and express intention of Salomon and the DOE that this Consent Order constitutes a legally enforceable contractual undertaking that is binding on the parties and their successors and assigns. Notwithstanding any other provision herein, Salomon (and its successors and assigns) and the DOE each reserves the right to institue a civil action in an appropriate United States district court, if necessary, to secure enforcement of the terms of this Consent Order, and the DOE also reserves the right to seek appropriate penalties and interest for any failure to comply with the terms of this Consent Order. The DOE will undertake the defense of the Consent Order, as made effective, in response to any litigation challenging the Consent Order's validity in which the DOE is named a party. Salomon agrees to cooperate with the DOE in the defense of any such challenge.

VIII. Final Order

801. Upon becoming effective, this Consent Order shall be a final order of DOE having the same force and effect as a remedial order issued pursuant to section 503 of the DOE Act, 42 U.S.C. 7193, and 10 CFR 205.199B. Salomon hereby waives its right to administrative or judicial review of this Order, but Salomon reserves the right to participate in any such review initiated by a third party.

IX. Effective Date

901. This Consent Order shall become effective as a final order of the DOE upon notice to that effect being published in the **Federal Register**. Prior to that date, the DOE will publish notice in the **Federal Register** that it proposes to make this Consent Order final and, in that notice, will provide not less than thirty (30) days for members of the public to submit written comments. The DOE will consider all written comments to determine whether to adopt the Consent Order as a final order, to withdraw agreement to the Consent Order, or to attempt to renegotiate the terms of the Consent Order.

902. Until the effective date, the DOE reserves the right to withdraw consent to this Consent Order by written notice to Salomon, in which event this Consent Order shall be null and void. If this Consent Order is not made effective on or before the one hundred twentieth (120th) day following execution by Salomon, Salomon may, at any time thereafter until the effective date, withdraw its agreement to this Consent Order by written notice to the DOE, in which event this Consent Order shall be null and void.

I, the undersigned, a duly authorized representative of Salomon, hereby agree to and accept on behalf of Salomon the foregoing Consent Order.

Arnold S. Olshin,

Secretary, Salomon Inc.

Dated: January 21, 1988.

I, the undersigned, a duly authorized representative of DOE, hereby agree to and accept on behalf of the DOE the foregoing Consent Order.

Robert G. Heiss,

Acting Deputy Chief Counsel for Enforcement Litigation, Economic Regulatory Administration, Department of Energy.

Dated: January 22, 1988.

[FR Doc. 88-2281 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 87-64-NG]

Poco Petroleum, Inc.; Order Extending Blanket Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order extending blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order extending Poco Petroleum, Inc.'s (Poco), existing blanket authorization to import natural gas. The order issued in ERA Docket No. 87-64-NG extends for two years Poco's authority to import up to 150 Bcf of natural gas.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue SW., Washington, DC., 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, January 26, 1988.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-2280 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 87-56-NG]

Unicorp Energy, Inc.; Order Granting Blanket Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Unicorp Energy, Inc. (Unicorp), blanket authorization to import natural gas. The

order issued in ERA Docket No. 87-56-NG authorizes Unicorp to import up to 290 Bcf of natural gas over two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., January 28, 1988.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-2279 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI88-186-000 et al.]

Mitchell Energy Corp., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

January 29, 1988.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 16, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI88-186-000 (CI65-146) (CI80-487) (CI83-412) (CI83-425) (CI84-436) (CI85-26) (CI85-148), B, Dec. 8, 1987 [1].	Mitchell Energy Corp. P.O. Box 4999, The Woodlands, TX 77387-4000.	Natural Gas Pipeline Co. of America Wise County Area, Wise, Jack & Palo Pinto Counties, TX.	[2]	
CI62-944-003, D, Jan. 17, 1988	Conoco Inc., P.O. Box 2197, Houston, TX 77252	El Paso Natural Gas Co., Arrowhead E-M-E Field, Lea County, NM.	[3]	
CI62-946-000, D, Jan. 17, 1988	do	Jalmet-Langlie-Mattix Fields, Lee County, NM	[3]	
CI78-479-003, D, Jan. 11, 1988	Texaco Inc., P.O. Box 3109, Midland, TX 79702	S/2 and NE/4 Sec. 35, Block 42, T-1-S, Ector County, TX.	[5]	
CI88-235-000 (CI67-751), B, Jan. 11, 1988.	Tenneco Oil Co., P.O. Box 2511, Houston, TX 77001.	Northern Natural Gas Company, Division of Enron Corp., Mocane-Laverne Field, Ellis County, OK.	[7]	
CI88-236-000 (CI84-251), B, Jan. 11, 1988.	do	Harper Ranch Field, Clark, County, KS	[8]	
CI88-237-000 (CI84-250)	do	do	[9]	
CI88-238-000 CI84-249), B, Jan. 11, 1988.	do	Harper Ranch and Snake Creek Fields, Clark County, KS.	[9]	
CI88-242-000 (CI65-545), B, Jan. 12, 1988.	do	Milder Field, Ellis County, OK	[7]	
CI88-245-000 (CI79-373), B, Jan. 13, 1988.	Multistate Oil Properties, N.V., P.O. Box 2511, Houston, TX 77001.	Salon, S.E. Field, Ellis County, OK	[11]	
CI61-1819-001, D, Jan. 15, 1988	Sun Exploration and Production Co., P.O. Box 2880, Dalles, TX, 75221-2880.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, OK.	[12]	
G-5180-000, D, Jan. 15, 1988	do	ANR Pipeline Co., Flores Field, Beaver County, OK.	[13]	
G-18630-000, D, Jan. 15, 1988	do	Mocane-Laverne Field, Harper County, OK	[14]	
CI67-270-001, D, Jan. 11, 1988	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, CA, 94120-7309.	ANR Pipeline Co., Luther Field, Ellis County, OK	[15]	
G-16139-014, D, Jan. 11,	do	Transwestern Pipeline Co., Shapley Field, Hansford County, TX.	[16]	
CI85-34-003, D, Jan. 11, 1988	Sun Exploration and Production Co	Williams Natural Gas Co., Goldsby Plant, Grady County, OK.	[17]	
CI88-239-000, (C180-5), B, Jan. 11, 1988.	Chevron U.S.A., Inc.,	Phillips 66 Natural Gas Co., Panhandle ast Field, Gray County, TX.	[18]	
CI88-230-000, F, Jan. 11, 1988	Mobil Producing Texas & New Mexico, Inc., Nine Greenway Plaza—Suite 2700, Houston, TX 77046.	Natural Gas Pipeline Co. of America and Transcontinental Gas Pipe Line Corp., Clayton Field, Block, 85 and 76 Units, Live Oak County, TX and Ray-Wilcox Field Gas Unit, Bee County, TX.	[19]	
CI88-247-000, (G-7310), B, Jan. 14, 1988.	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, TX 75221.	Mountain Fuel Resources, Inc., Ace Unit Area, Moffet County, CO.	[20]	
CI88-246-000, (CI77-780), B, Jan. 14, 1988.	do	Colorado Interstate Gas Co., Mocane Field Area, Beaver County, OK.	[21]	
CI88-241-000, B, Jan. 11, 1988	National Cooperative Refinery Association, 1775 Sherman Street—Suite 3000, Denver, CO 80203.	Panhandle Eastern Pipe Line Co., Carthage Field, Texas County, OK.	[22]	
CI88-240-000, B, Jan. 11, 1988	do	Elkart West Field, Morton County, KS	[22]	
CI88-243-000, B, Jan. 11, 1988	Walter E. Smith	Consolidated Gas Transmission Corp., Sherman District, Calhoun, County, WV.	[23]	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI88-244-000 (CI77-363), B, Jan. 11, 1988.	Marathon Oil Co., P.O. Box 3128, Houston, TX 77253.	Texas Eastern Transmission Corp., West Cameron, Block 522, Offshore, LA.	[24]	
CI88-234-000 (G-3079), B, Jan. 11, 1988.	Exxon Corp., P.O. Box 2180, Houston, TX 77252-2180.	Trunkline Gas Co., Sabine Tram Field, Newton County, TX.	[25]	
CI88-233--000, B Jan. 11, 1988.....	Pedestal Oil Company, Inc., P.O. Box 1522, Oklahoma City, OK 73101.	Sun Exploration and Production Co., Breshears Lease NW/4 Sec. 2-T10N-R5W, Candian County, OK.	[26]	
CI88-158-000, B, Nov. 30, 1987 [27].	Lone Wolf Producing Co.....	ARCO Oil and Gas Co., Division of Atlantic Richfield, Co.; A.B. Thomerson, *et al.*, Survey, El Dorado Gas Plant, Schleicher, County, TX.	[28]	

[1] Additional information received January 14, 1988.

[2] Mitchell requests permanent abandonment of ten sales of gas to Natural. Certain interests were acquired from NICOR Exploration Company, which made sales pursuant to its certificate in Docket No. CS78-574. Other interests were acquired from Champlin Petroleum Company, which made sales pursuant to a certificate in Docket No. G-14830 and a December 27, 1977 contract on file as Champlin FERC Gas Rate Schedule No. 71.

In support of its application, Mitchell states that Natural is currently experiencing a gas supply/demand imbalance due to an excess of supply and expects this imbalance to increase. On September 21, 1987, by Termination Notice/ Agreement the parties agreed to terminate the contracts effective August 1, 1987, release Natural from obligations to receive and pay for gas and/or to pay for gas not taken. Mitchell waives all gathering allowance claims arising out of section 110. Mitchell states that currently the gas is being sold on a spot-market basis pursuant to Natural's limited-term abandonment authority issued in Docket No. CI86-637-000. Mitchell proposes to sell in intrastate commerce. Applicant states that the deliverability is approximately 17,331 MMBtu/month and the gas is NGPA section 104 flowing gas (7%) and 108 gas (93%).

[3] Conoco assigned certain acreage to Lewis B. Burleson, effective 12-1-87.

[4] Not used.

[5] Texaco assigned to Sun Exploration and Production Company its rights in and to the Sallie W. Ratliff Lease, located in the S/2 and NE/4 of section 35, Block 42, T-1-S, T&P RRCo. Survey, Ector County, Texas, effective 11-1-87.

[6] Not used.

[7] Tenneco assigned certain acreage to Bell & Kinley Company, effective 12-1-86.

[8] Tennaco assigned certain acreage to Beresco Properties, Inc., effective 8-1-86.

[9] Tenneco assigned certain acreage to Beresco Properties, Inc. and Kaiser-Francis Oil Company, effective 8-1-86.

[10] Not used.

[11] Multistate Oil assigned certain acreage to Bell & Kinley Company, effective 12-1-86.

[12] Effective 6-1-87, Sun assigned its interest in Property No. 814427, Wayne Buffalow, limited to the interval from the surface down to a depth of 6,480 feet, to Fond Petroleum.

[13] Effective 6-1-87, Sun assigned its interest in Property No. 823612, Minnie B. Dorman, from the surface to a depth of 7,100 feet, to Fond Petroleum.

[14] Effective 11-1-87, Sun assigned its interest in Property No. 885410, M.A. Stinson Unit (B. P. 87667), to Oneok Exploration Company.

[15] Chevron assigned certain acreage to South Timbers Ltd. Partnership, effective 12-1-87.

[16] Chevron assigned certain acreage to C. M. Fleetwood, Inc., effective 10-1-86.

[17] Sun is requesting abandonment of a sale of gas from Sun's Goldsby Plant to Williams attributable to the Pedestal Oil properties. The Breshears lease has a split gas connection whereas one purchaser (Mobile) has offered to purchase this gas at enhanced prices. Sun's purchaser, Williams, does not recognize the 107(c)(5) enhancement price, and therefore will not pay the incentive price for work that was done on the Breshears lease. Sun can no longer afford to purchase gas from Pedestal.

[18] Chevron assigned certain acreage to Atlantic Energy (USA) Corporation, effective 7-1-87.

[19] Mobil Producing Texas & New Mexico Inc. (MPTM) requests authorization to continue the service previously authorized to ARCO Oil and Gas Company, Division of Atlantic Richfield Company (ARCO), which has been authorized under certificates of public convenience and necessity issued in Docket Nos. G-3894, G-3219, G-4544 and G-4535. Effective 5-1-86, MPTM acquired these interests from ARCO.

[20] Permanent abandonment of a sale of gas to Mountain Fuel. By letter dated 6-22-87, Mountain Fuel notified ARCO that they wish to terminate the contract in accordance with Article III-5, Amendatory Gas Purchase Agreement dated 3-14-74.

[21] Permanent abandonment of a sale of gas to Colorado Interstate. By letter dated 9-17-87, ARCO notified Colorado Interstate that they wish to terminate the contract in accordance with Article VI 6.1 of Gas Purchase Agreement dated 4-8-57.

[22] Depletion of reserves.

[23] Low volume and low pressure. The well will not feed against purchaser's existing line pressure.

[24] Effective 8-31-87, Marathon sold its interest in properties covered by Rate Schedule No. 139 to Huffco Petroleum Corporation. By letter dated 4-8-86, Texas Eastern Transmission Corporation had terminated the related Gas Purchase Contract, effective 9-13-86.

[25] The primary term of the contract has expired, producing properties have been assigned to others, and deliveries of gas under the certificate and Exxon Corporation's FERC Rate Schedule No. 1 have ceased.

[26] Pedestal Oil Company, Inc., filed for and received approval under section 107(c)(5) of the NGPA for production enhancement. The Breshears lease has a split gas connection whereas one purchaser (Mobil), has offered to purchase this gas at enhanced prices, but the other purchaser (Sun), has declined to provide uplift. Therefore, this abandonment is requested, in the interest of all working interest and royalty owners involved, and for the purpose of maintaining parity between all parties.

[27] Additional information received December 14 and 22, 1987, and January 21, 1988.

[28] Applicant requests authorization to permanently abandon a sale of gas to ARCO's El Dorado Gas Plant from certain wells located on the A.B. Thomerson, *et al.* Survey, Schleicher County, Texas. Applicant states that the November 1, 1977, percentage-of-proceeds contract has expired under its own terms. ARCO sells this gas to Northern under its FERC Gas Rate Schedule No. 376. Applicant states that due to deteriorated market demand curtailment of production is threatened making the wells uneconomical for Applicant to continue service. In addition, Applicant states there is the possibility of premature abandonment of these wells and loss of remaining reserves. Deliverability is 80 Mcf/day of NGPA section 104 post 1974 gas (25%), large producer flowing gas (50%) and section 106(a) gas (25%). Applicant plans to sell the gas in the intrastate market.

Filing Code: A—Initial Service; B—Abandoment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 88-2327 Filed 2-3-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-452-052]

Columbia Gas Transmission Corp.; Request for Extension

January 29, 1988.

Take notice that on January 5, 1988, Columbia Gas Transmission Corporation (Columbia), a Delaware corporation having its principal place of business at 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed on behalf of itself and its producer-suppliers, a request to extend for a period of two years the authority granted by the Commission in Docket No. CP83-452-048, as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia requests the Commission to extend until March 31, 1990, the authority to (a) make sales for resale in interstate commerce of NGA gas for which the maximum lawful price is equal to or higher than the NGPA section 104 price for 1973-74 biennium gas for large producers, and (b) abandon temporarily sales to Columbia for resale of NGA gas for which the maximum lawful price is equal to or higher than the NGPA section 104 price for 1973-74 biennium gas for large producers and which were previously certificated by the Commission, to the extent that such gas is released by Columbia.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2331 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-70-007]

East Tennessee Natural Gas Co.; Filing

January 28, 1988.

Take notice that on January 13, 1988 East Tennessee Natural Gas Company (East Tennessee) filed ten copies of the following:

(1) Workpapers demonstrating the derivation of the cumulative adjustment reflected on Thirty-First Revised Sheet No. 4 of its FERC Gas Tariff and demonstrating that the effect of CNG purchases has been removed from the SWS Summer Rate; and

(2) The following revised tariff sheets to its FERC Gas Tariff to be effective November 1, 1987:

Second Substitute First Revised Sheet No. 139
Second Substitute First Revised Sheet No. 140
Second Substitute First Revised Sheet No. 278

East Tennessee states that this filing is in response to letter order from the Director of the Office of Pipeline and Producer Regulation on December 29, 1987. East Tennessee further states that the revised tariff sheets are supported by a related compliance filing in Docket No. CP85-275.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before February 5, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2332 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-9-022 et al.]

East Tennessee Natural Gas Co. et al.; Filing of Pipeline Refund Reports

January 28, 1988.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports. The date of filing and docket number are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, on or before February 4, 1988. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix

Filing date	Company	Docket No.
12/15/87	East Tennessee Natural Gas Company.	TA82-2-9-022
12/17/87	Inter-City Minnesota Pipelines.	RP85-152-004
12/21/87	Eastern Shore Natural Gas Company.	TA87-2-23-003
12/21/87	Panhandle Eastern Pipe Line Company.	RP85-96-007
12/21/87	Trunkline Gas Company.	RP85-77-008
12/23/87	ENRON (Northern Natural Gas Company).	RP85-206-033
12/28/87	Texas Eastern Transmission Corporation.	RP74-41-043
12/30/87	Natural Gas Pipeline Company of America.	RP80-11-022
1/4/88	Transcontinental Gas Pipe Line Corp.	TA85-1-29-016
1/5/88	Consolidated Gas Transmission Corp.	RP85-169-030
1/5/88	East Tennessee Natural Gas Company.	RP71-15-025
1/15/88	Alabama-Tennessee Natural Gas Company.	RP84-76-008

[FR Doc. 88-2333 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-615-001]

Ecogen One Partners Ltd.; Application for Commission Recertification of Qualifying Status for a Cogeneration Facility

February 1, 1988.

On January 28, 1988, Ecogen One Partners Ltd. (Applicant), of 10375 Richmond Avenue, Houston, Texas 77042 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. The facility was previously certified by the Commission as a qualifying facility in Docket No. QF87-615-000 on October 29, 1987. Applicant's request for recertification is based solely on a change in ownership of the facility, through a partnership arrangement which includes an electric utility interest. No determination has been made by the Commission that the submittal constitutes a complete filing.

The topping cycle cogeneration facility will be located near Sweetwater, Texas. The facility will consist of three combustion turbine generating units, three heat recovery steam generators and an extraction/condensing steam turbine generating unit. Heat recovered from the facility will be sold to the United States Gypsum Company for use in an industrial process for drying gypsum slurry in gypsum board drying kilns and for space heating. The net electric power production capacity of the facility will be 257 MW. The primary energy source will be natural gas.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before February 12, 1988. Protests will be considered by the Commission in

determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2328 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C188-172-000 et al.]

Helmerich & Payne, Inc.; Applications for Permanent Abandonment and Blanket Limited-term Certificate With Pregranted Abandonment

January 29, 1988.

Helmerich & Payne, Inc., (Applicant) has filed applications pursuant to section 7 of the Natural Gas Act for authorization in Docket Nos. CI88-172-000 through CI88-177-000 to permanently abandon service, to El Paso Natural Gas Company and requesting in Docket No. CI88-257-000 a blanket limited-term certificate with pregranted abandonment for a period of three years. Applicant requests that its applications be considered on an expedited basis under procedures established by Order No. 436, Docket No. RM85-1-000, at 18 CFR 2.77.[1] The requests are more fully described in the tabulation hereto.

Since applicant has requested that its applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and Date Filed	Applicant	Purchaser and Location	Description
CI88-172-000 (C176-235), B, Dec. 7, 1987 [1]	Helmerich & Payne, Inc	El Paso Natural Gas Company, Wheeler-Pan Filed, Wheeler County, Texas.	([2])
CI88-173-000 (CI71-772), B, Dec. 7, 1987 [1]	do	El Paso Natural Gas Company, Toro Field, Reeves County, Texas.	([2])
CI88-174-000 (CI76-1095), B, Dec. 7, 1987 [1]	do	El Paso Natural Gas Company, Hamon Field, Reeves County, Texas.	([2])
CI88-175-000 (CI76-1084), B, Dec. 7, 1987 [1]	do	El Paso Natural Gas Company, Toro Field, Reeves County, Texas.	([2])
CI88-176-000 (CI62-1512), B, Dec. 7, 1987 [1]	do	El Paso Natural Gas Company, Yucca Butte Field, Terrell & Pecos Counties, Texas.	([2])
CI88-177-000 (CI67-865), B, Dec. 7, 1987 [1]	do	El Paso Natural Gas Company, Toro Field, Reeves County, Texas.	([2])
CI88-257-000, A, Dec. 19, 1987 [3]	do	Various purchasers Wheeler-Pan Field, Wheeler County, Texas, Toro and Hamon Fields, Reeves County, Texas, and Yucca Butte Field, Terrell & Pecos Counties, Texas.	([4])

FOOTNOTES

[1] Application amended January 14, 1988.

[2] Applicant requests permanent abandonment of sales of gas to El Paso. In support of its applications Applicant states it has been and is subject to substantially reduced takes without receiving payments for its gas. Applicant anticipates that with approval of its applications more gas will become available for distribution in the open market. Deliverability is approximately 2,770 Mcf/d. The gas is NGPA section 104 large producer flowing gas (68.8%), minimum rate gas (21%), post 1974 gas (6%), 106(a) gas (3.7%) and 108 gas (0.5%).

[3] Application was received on January 14, 1988. The filing date is the date of receipt of the filing fee.

[4] Application requests a blanket limited-term certificate for a period of three years for the sale for resale in interstate commerce of the gas requested to be released in Docket Nos. CI88-172-000 through CI88-177-000. Applicant also requests limited-term pregranted abandonment for a period of three years.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 88-2334 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-14-003]

Lawrenceburg Gas Transmission Corp.; Filing Substitute Tariff Sheet

January 29, 1988.

Take notice that on January 11, 1988, Lawrenceburg Gas Transmission Corporation ("Lawrenceburg") tendered for filing one (1) substitute gas tariff sheet to its FERC Gas Tariff, First Revised Volume No. 1, proposed to become effective August 1, 1987, and identified as follows:

Second Substitute Forty-Second Revised Sheet No. 4

Lawrenceburg states that the revised tariff sheet was filed to reflect rate revisions from Texas Gas Transmission Corporation, pursuant to Commission Order issued August 7, 1987 in Docket No. TA87-2-14-002.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of

[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment or where the parties have entered into a take-or-pay buy-out pursuant to § 2.76. On August 7, 1987, the Commission issued Order No. 500 which promulgated interim regulations in response to the court's remand (40 FERC ¶ 61,172 (1987)). These interim regulations became effective on September 15, 1987.

Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before February 5, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2335 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF88-188-000]

Mercer County Improvement Authority; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 29, 1988.

On January 11, 1988, Mercer County Improvement Authority, (Applicant) of 1589 Lamberton Road, Trenton, New Jersey 08611-3517 filed submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located on vacant land adjacent to the Delaware River in the Township of Hamilton, Mercer County, New Jersey. The facility will consist of three biomass-fired steam generators and two turbine generators. The net power production capacity of the facility will be 36.5 Megawatts. The primary energy source will be biomass in the form of commercial and municipal solid waste. Oil and natural gas will be used for purposes outlined in section 3(17)(B) of the FPA as amended by section 210 of PURPA. However, such fossil fuel uses will not exceed 25% of the total energy input to the facility during any calendar year period.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 209 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2329 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-3-5-001]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

January 28, 1988.

Take notice that on January 22, 1988 Midwestern Gas Transmission Company (Midwestern) filed ten copies of Thirtieth Revised Sheet No. 5 to Original Volume No. 1 of its FERC Gas Tariff, to be effective January 1, 1988.

Midwestern states that the purpose of the filing is to reflect an increase of 4.10 cents per dekatherm applicable to the Gas Rates and a decrease of 37 cents applicable to the Demand Rates, to track changes in the rates of Tennessee Gas Pipeline Company effective January 1, 1988. Midwestern states that the filing also reflects new base tariff rates from previous filings in Docket No. RP86-33.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before February 5, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2336 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-4-5-001]

Midwestern Gas Transmission Co.; Rate Filing

January 28, 1988.

Take notice that on January 22, 1988, Midwestern Gas Transmission Company (Midwestern) tendered for filing ten copies of Twenty-Eighth Revised Sheet No. 6 of its FERC Gas Tariff, to be effective January 1, 1988.

Midwestern states that this filing amends its previous out of cycle Current Purchased Gas Cost Adjustment (PGA) (filed on December 21, 1987) reflecting in the rates for Midwestern's Northern System Rate the newly negotiated gas supply rates from TransCanada Pipelines Ltd. (TransCanada), the sole supplier to gas to Midwestern's Northern System. Midwestern states that the purpose of this filing is to incorporate rate adjustments filed and accepted in Docket No. RP86-33 in its out-of-cycle PGA.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed or on before February 5, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2337 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF88-195-000]

National Steel Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 29, 1988.

On January 13, 1988, National Steel Corporation, Granite City Steel Division (Applicant), of Twentieth and State Streets, Granite City, Illinois 62040, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to

§ 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility will be located adjacent to Applicant's steel manufacturing facility in Granite City, Illinois. The facility will consist of three high pressure boilers, one natural gas fired combustion turbine generator, a heat recovery steam generator and one extraction/condensing steam turbine generator. The thermal output of the facility, in the form of steam, will be used for process requirements in Applicant's steel plant. The maximum net electric power production capacity of the facility will be 85.2 MW. The facility is expected to commence operation in early 1990.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2330 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-26-000]

Natural Gas Pipeline Company of America; Changes in Rates

January 28, 1988.

Take notice that on January 21, 1988, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, (Tariff) the tariff sheets listed on attached Appendix A to be effective March 1, 1988.

Natural states the purpose of the instant filing is to implement its semi-annual PGA unit rate adjustment pursuant to section 18 of the General Terms and Conditions of its Tariff.

The overall effect of the revised adjustments when compared to Natural's last semi-annual rates effective September 1, 1987, is an increase in the DMQ-1 commodity rate of .3178¢ and decreases in the DMQ-1 demand and entitlement rates of $.06 and .31¢ respectively. The annual effect of these rate changes is a net increase of $58.3 million.

As more fully explained in the filing, Natural has requested waiver of its deferred purchased gas calculation to continue its current three year surcharge recovery rate of 14.82¢.

Natural also states that it has filed to amend the General Terms and Conditions of its Tariff to eliminate the incremental price provisions and to incorporate revisions to its PGA clause to set up separate deferred accounts and recovery rates for fixed and commodity cost changes and revised procedures to calculate commodity and fixed cost PGA recovery rates as more fully explained in the filing.

A copy of the filing is being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before February 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix A

Seventieth Revised Sheet No. 5
Fifth Substitute Thirty-fourth Revised Sheet No. 5A
Sixteenth Revised Sheet No. 5C
Eighth Revised Sheet No. 116
Fifth Revised Sheet No. 117
Eighth Revised Sheet No. 118
Fourteenth Revised Sheet No. 119
Twelfth Revised Sheet No. 120
Twelfth Revised Sheet No. 120-A
Nineth Revised Sheet No. 121
Second Revised Sheet No. 121A
First Revised Sheet No. 121B
First Revised Sheet No. 121C
First Revised Sheet No. 121D
First Revised Sheet No. 152

[FR Doc. 88-2338 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-29-010]

Odeco Oil & Gas Co.; Application for Extension

January 29, 1988

Take notice that on January 20, 1988, Odeco Oil & Gas Company (Odeco), P.O. Box 61780, New Orleans, Louisiana 70161, filed an application pursuant to the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder, for amendment of its blanket limited-term abandonment and sales certificate with pregranted abandonment in Docket No. CI85-29, to extend such authorization for a term through March 31, 1990, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition, Odeco requests authorization to consolidate herein the authorization granted by the Commission in Docket No. CI87-776-000 to allow it to sell natural gas for resale in interstate commerce produced from reservoirs located in the Outer Continental Shelf which have not been previously committed.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2339 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-33-003]

Sun Exploration and Production Co.; Application for Extension

January 29, 1988.

Take notice that on January 15, 1988, Sun Exploration and Production Company (Sun), P.O. Box 2880, Dallas,

Texas 75221, filed an application pursuant to Section 7 of the Natural Gas Act and Parts 154 and 157 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act requesting that the Commission modify its March 31, 1987, Order Approving, Amending and Extending Limited Term Abandonments and Blanket Sales Certificates with Pre-Granted Abandonment by extending the term from a one year term to a three year term expiring March 31, 1991. Sun also requests that the certificate continue to: (1) Authorize the sale of all vintages (102(d), 104, 106, 108 and 109) of natural gas by Sun and its working interest owners for resale in interstate commerce; (2) permit temporary partial abandonment of certain natural gas sales; and (3) confer pregranted abandonment authorization for sales of natural gas made pursuant to the requested certificate.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 16, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2340 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-231-000]

Texaco Gas Marketing Inc.; Application

January 29, 1988.

Take notice that on January 11, 1988, Texaco Gas Marketing Inc. (Applicant), P.O. Box 52332, Houston, Texas 77052, filed an application under Section 7 of the Natural Gas Act for a certificate of public convenience and necessity that would grant Applicant blanket authority to make sales of natural gas subject to the Commission's Natural Gas Act jurisdiction under contracts having a stated term of one year or longer. Applicant requests that the certificate include authorization to abandon any such sale at the expiration or other termination of the contract. Applicant further requests that the certificate be granted for an unlimited term. Applicant also requests a waiver of rate filing requirements in connection with sales made under the certificate. In addition, Applicant requests that the Commission impose reporting requirements which are no more burdensome than those in 18 CFR 157.301(c).

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2341 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-110-007]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 28, 1988.

Take notice that on January 19, 1988, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing the following sheets to its FERC Gas Tariff, Fifth Revised Volume No. 1:

First Revised Sheet No. 1
First Revised Sheet Nos. 50-50D
First Revised Sheet No. 114
First Revised Sheet No. 202
First Revised Sheet No. 205
First Revised Sheet No. 208
First Revised Sheet No. 213
First Revised Sheet No. 216
First Revised Sheet No. 300
First Revised Sheet Nos. 301-316
First Revised Sheet Nos. 326-337
First Revised Sheet Nos. 401-405
First Revised Sheet No. 421
First Revised Sheet No. 439
First Revised Sheet Nos. 442-443
First Revised Sheet Nos. 461-464
First Revised Sheet No. 474
First Revised Sheet No. 600
First Revised Sheet No. 676-681
First Revised Sheet No. 735-740

Texas Eastern states that the tariff sheets set forth the rates, terms and conditions which it desires to have on file with the Commission, as required by section 284.7 of the Commission's regulations, to enable it, at its election, to render firm and interruptible self-implementing transportation pursuant to section 311 of the Natural Gas Policy Act (NGPA) on an open access basis as required by Order No. 500 *et seq.* Texas Eastern also states that the filing is predicated upon its understanding that it is permitted to commence and to cease transportation pursuant to section 311 of the NGPA without further Commission approval, and that conversion rights pursuant to § 284.10 of the Commission's regulations may be exercised during the period in which section 311 transportation is performed.

The tariff sheets include the addition of new Rate Schedules FT-1 and IT-1 and related Forms of Service Agreements under which section 311 transportation will be provided. Texas Eastern states that it proposes to provide self-implementing transportation on a firm basis under Rate Schedule FT-1 and self-implementing transportation on an interruptible basis under Rate Schedule IT-1. It states that the rates reflected in the tariff sheets for these services are based on the settlement cost of service, cost allocation, and rate design approved by the Commission in Docket Nos. RP85-177-000, *et al.*, by orders dated December 19, 1986 and October 15, 1987. Texas Eastern is also proposing revisions to its General Terms and Conditions which it states are necessary to perform transportation consistent with the requirements of Order No. 500. The General Terms and Conditions have been modified to reflect the existence of Rate Schedules FT-1 and IT-1.

A copy of the filing has been served upon each of Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before February 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2342 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 29, 1988.

Take notice that on January 25, 1988, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing the following sheets to its FERC Gas Tariff, Fourth Revised Volume No. 1:

To Be Effective October 1, 1987
Substitute Revised Eighty-seventh Revised Sheet No. 14
To Be Effective January 1, 1988
Substitute Eighty-eighth Revised Sheet No. 14
To Be Effective February 1, 1988
Second Substitute Eighty-ninth Revised Sheet No. 14

Texas Eastern states that these tariff sheets are filed pursuant to section 4.F of its Rate Schedules SS-II and SS-III, which provide for an automatic rate adjustment to flow through any changes in Rate Schedule GSS of Consolidated Gas Transmission Corporation (Consolidated) which underlie Rate Schedules SS-II and SS-III. Texas Eastern notes that on December 15, 1987; the Commission approved Consolidated's compliance filing in Docket No. RP87-111-002 to collect the annual charge adjustment (ACA) charge of $.0020 per dekatherm of gas withdrawn from storage from all customers, as required in Order No. 472-B. Texas Eastern states that on September 1, 1987, when it filed in Docket No. RP87-128-000 to include in its tariff the procedures for collecting its assessed ACA, it did not include Consolidated's surcharges in its rates because it was unaware of the exact ACA surcharges Consolidated would impose. Consequently, Texas Eastern is refiling its rates solely to reflect Consolidated's revised GSS rates in Docket No. RP87-111-002.

On December 31, 1987, Texas Eastern filed tariff sheets in Docket No. TA88-2-17-000 reflecting its semiannual PGS filing proposed to be effective February 1, 1988. Texas Eastern states that if these tariff sheets are not approved or are altered in any way by the Commission's decision, it will refile such tariff sheets to reflect the Commission's decision.

Texas Eastern also states that on January 15, 1988, it filed revised tariff sheets based on its understanding of the effect of an order issued December 31, 1987 approving a compliance filing that it made on November 16, 1987 in Docket Nos. RP85-177-044, *et al.* Texas Eastern states that if its interpretation of the December 31, 1987 order is affirmed, it will file substitute tariff sheets reflecting the change in Consolidated's Rate Schedule GSS rates in light of the Commission's acceptance of the tariff sheets submitted by Texas Eastern on November 16, 1987 and January 15, 1988.

Texas Eastern states that a copy of the filing has been served upon each of Texas Eastern's jurisdictional customers and on interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before February 5, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-2343 Filed 2-3-88; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Health and Environmental Research Advisory Committee; Open Meeting

Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Health and Environmental Research Advisory Committee (HERAC).

Date and Time:
March 2, 1988—9:00 a.m.-5:00 p.m.
March 3, 1988—9:00 a.m.-12:00 noon

Place: Conference Room B-169, Building 202, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439

Contact: George D. Duda, Office of Health and Environmental Research (ER-72); Office of Energy Research, Department of Energy, Washington, DC 20545, Telephone: 301/353-3651

Purpose of the Committee: To provide advice on a continuing basis to the Secretary of the Department of Energy (DOE), through the Director of Energy Research, on the many complex scientific and technical issues that arise in the development and implementation of the Health and Environmental Research (HER) program.

Tentative Agenda: Briefings and discussions of:

March 2, 1988

- Presentations by Staff of the Argonne National Laboratory
- Report from HERAC Subcommittee on Biotechnology
- Public comment (10 minute rule)

March 3, 1988

- Report from HERAC Subcommittee on Radiation Biology
- Report from HERAC Subcommittee on Nuclear Medicine
- New Business Discussion
- Public comment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact George D. Duda at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on February 1, 1988.

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 88-2286 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of November 16 through November 20, 1987

During the week of November 16 through November 20, 1987, the Decisions and Orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Atlantic Richfield Company, 11/18/87, KFA-0137, KES-0009

The DOE denied an Application for Reconsideration and an Application for Stay filed by the Atlantic Richfield Company (ARCO) in connection with an October 2, 1987 Decision and Order concerning a Freedom of Information Act (FOIA) Appeal filed by USA Petroleum Corporation. *USA Petroleum Corp.*, 16DOE ¶80,119 (1987) (*USA Petroleum*). ARCO's Application for Reconsideration was based on a court decision issued two days before *USA Petroleum* by the U.S. Court of Appeals for the District of Columbia Circuit, in which the scope of Exemption 4 of the FOIA was expanded. *Critical Mass Energy Project* v. *Morton*, No 86-5647 (D.C. Cir. Sept. 29, 1987), (*Critical Mass*). ARCO alleged that if the DOE had been aware of the decision, it might have materially altered its analysis in *USA Petroleum*. Upon review, the DOE found that while the *Critical Mass* Decision expanded the government's interest under Exemption 4 to include program efficiency and effectiveness, ARCO had not alleged that any of the information ordered to be released in *USA Petroleum* would harm any governmental interest. Accordingly, the reconsideration request was denied. Under the circumstances, Arco's Application for Stay was also denied.

Petitions for Special Redress

Rosebud Sioux Tribe, 11/20/87, KEG-0011

The DOE issued a Decision and Order concerning a Petition for Special Redress submitted by the Rosebud Sioux Tribe. In its Petition, the Tribe contended that 1986 Bureau of Indian Affairs Labor Market data ("the BIA data") should be used as the basis for determining its equitable share of South Dakota's oil overcharge monies. The Tribe also requested that OHA review language governing the transfer of Exxon funds from the State of South Dakota to the Tribe to determine whether the language constituted a broad, general waiver of the Tribe's sovereign immunity. In its Decision, the OHA determined that 1980 Census data was more accurate than the BIA data and therefore should be used to calculate the Tribe's portion of OHA second-stage and Exxon monies. In addition, OHA found that the language of the waiver did not constitute a waiver of the Tribe's sovereign immunity but merely transferred accountability for expenditure of the Tribe's portion of Exxon funds to the Tribe. Accordingly, the Rosebud Sioux Tribe's Petition was dismissed and the Tribe and the State of South Dakota were requested to report to OHA by December 31, 1987, any agreements for the expenditure of Exxon monies.

Vermont, 11-19-87, KEG-0020

The DOE issued a Decision and Order concerning a Petition for Special Redress filed by the State of Vermont. The State sought approval to use Stripper Well funds for its Underground Storage and Assistance Program, a project found by the DOE's Assistant Secretary for Conservation and Renewable Energy to be inconsistent with the terms of the Stripper Well Settlement suggested. Upon review, the DOE disapproved Vermont's Petition because the Program would have helped service stations and municipalities replace leaking underground storage tanks, and thus focused on environmental concerns rather than on reducing energy use. Accordingly, Vermont's Petition for Special Redress was denied.

Sellers Oil Company, 11-16-87, KEE-0144

Sellers Oil Company (Sellers) filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In reviewing the request, the DOE found that Sellers would not experience an inordinate burden by fulfilling its reporting obligation. The DOE also considered the fact that Sellers is a company specifically designated by the EIA as vital to its survey because of the firm's impact on its market area. Accordingly, exception relief was denied.

Refund Applications

APCO Oil Corporation/K & S Oil Company, Inc., 11/20/87, RF83-57

The DOE issued a Decision and Order concerning an Application for Refund filed by K&S Oil Company, Inc. K&S', a motor gasoline reseller, sought a portion of the settlement fund obtained by the DOE through a Consent Order entered into with K&S supplier, Apco Oil Corp. Based on an evaluation of the firm's refund claim using the three-step competitive disadvantage methodology, the DOE found that K&S was injured by Apco's alleged overcharges in its sales of motor gasoline. The DOE granted K&S a refund of $13,772, representing $9,206 in principal plus $4,566 in interest.

Apex Towing Company, 11/18/87, RF270-20, RF271-237

The DOE issued a Decision and Order concerning a Motion for Reconsideration of a previous Surface Transporter refund denial and an Application for Rail & Water Transporter (RWT) Refund. The petitioner's reconsideration request was dismissed because the firm was a waterborne transporter instead of a surface transporter. The petitioner's late RWT refund application was approved, however, because the firm showed good cause for its delay in filing. The number of gallows approved as a basis for a refund in this Decision is 26,469,176.

Cranston Oil Service Company, Inc. Madaline Norton, et al., 11/20/87, RF276-8 et al.

The DOE issued a Decision granting 34 Applications for Refund from the Cranston Oil Service, Inc. Consent Order fund. The 34 refund applicants were end-users of Cranston No. 2 heating oil during the consent order period. Each applicant elected to apply for a refund based upon the presumptions set forth in *Cranston Oil Service Co.*, 14 DOE ¶ 85,499 (1986). The determination approved a refund of $3,584, representing $3,145 in principal and $439 in interest.

Getty Oil Company/Bethlehem Steel Corporation, 11/17/87, RF265-1888, RF265-1889

The DOE issued a Decision and Order concerning two Applications for Refund filed by Bethlehem Steel Corporation (Bethlehem), an end-user of products covered by a Consent Order that the DOE entered into with the Getty Oil Company. Bethlehem provided documentation of the volumes of propane and lubricants that it purchased from Getty during the consent order period. As an end-user, Bethlehem is entitled to receive the full volumetric refund. The total amount of the refunds approved in this Decision is $15,837, representing $7,872 in principal and $7,965 in accrued interest.

Getty Oil Company/Henry Oil Company, et al., 11/17/87, RF265-1012, et al.

The DOE issued a Decision and Order concerning seven Applications for Refund filed by resellers or retailers of products covered by a Consent Order that the DOE entered into with the Getty Oil Company. Each applicant documented its volume of Getty purchases, and none of these claims exceeded the $5,000 small claims limitation. The refunds approved in this Decision totalled $26,840, representing $13,342 in principal and $13,498 in accrued interest.

Gulf Oil Corporation/H & J, Inc., 11/19/87, RR40-4

The DOE issued a Decision and Order approving a Motion for Reconsideration filed by a purchaser of gasoline products covered by a Consent Order that the agency entered into with Gulf Oil Corporation. In a prior determination, the DOE denied the applicant's refund request because the applicant did not meet the injury standards for Gulf consignees. *Gulf Oil Corp./Roberts Oil Co.*, 15 DOE § 85,095 (1986). The applicant argued in its Motion that it was a retailer, not a consignee, because the "Automotive Gasoline Agreement" under which it was supplied by Gulf provided that the applicant had total control over the prices at which it resold Gulf gasoline. The DOE agreed with this reasoning because the applicant was neither guaranteed nor limited to a fixed profit margin. After reviewing the applicant's claim and supporting documentation, the DOE decided to grant the applicant a refund of $11,459, representing $9,019 in principal and $2,440 in interest.

Marathon Petroleum Company/FKG Oil Company, 11/20/87, RF250-1032.

The DOE issued a Decision and Order concerning an Application for Refund filed by the FKG Oil Company, a retailer of motor gasoline, in the Marathon Petroleum Company special refund proceeding. FKG documented purchases of Marathon motor gasoline which, if accompanied by documentation of injury, would have lead to a refund in excess of the $5,000 small claims limitation without application of the 35% injury presumption established in Marathon for reseller/retailer claims between $5,000 and $50,000. In support of its claim, FKG contended that its profit margins had declined as a result of its purchases of motor gasoline from Marathon. The DOE concluded that FKG's profit margin claim was not supported by the record and calculated a refund based upon 35% of the firm's volumetric share. The refund granted totalled $8,213, representing $7,277 in principal and $936 in interest.

Marathon Petroleum Company/Orth Oil, Company, 11/19/87, RF250-2740

The Department of Energy issued a Supplemental Order to Orth Oil, Inc., correcting a determination which granted a second refund for the firm's purchases of Marathon Petroleum Company middle distillates. The Orth motor gasoline refund, which was limited to $5,000 under the small purchaser presumption, was reduced by $673 to reflect the amount of the distillate refund the firm had previously received. Accordingly, Orth was granted a refund of $4,327 in principal and $556 in interest for its Marathon gasoline purchases.

Oneok Inc./Home Petroleum Corp., 11/16/87, RF212-3

The DOE issued a Decision and Order granting a refund from the Oneok, Inc., escrow account filed by Home Petroleum Corp., a reseller/wholesaler of Oneok natural gas liquid products. The Applicant elected to apply for a refund based upon the presumptions of injury set forth in the Oneok decision. *Oneok, Inc.*, 13 DOE ¶ 85,144 (1985). The DOE granted a total refund of $6,090, representing $5,000 in principal and $1,090 in interest.

Remington Freight Lines, 11/20/87, RR270-17

The DOE issued a Decision and Order regarding a Motion for Modification filed by Remington Freight Lines in the Surface Transporters refund proceeding. The Motion related to a Surface Transporter refund claim that the DOE had denied on the basis that all of the gasoline specified in the claim had been purchased by Remington's owner-operators, not the firm itself. In its Motion, Remington asserted that although it had used owner-operators, a portion of the gasoline purchases in its claim had been purchased by the firm, and, as such, was eligible for a refund. The DOE agreed, and determined that Remington is eligible for a Surface Transporter refund based on that portion of its purchases of diesel fuel during the Settlement Period.

Standard Oil Company (Indiana)/New York; National Helium Corp./New York, 11/18/87, RM21-87, RM3-91, RQ3-391

The DOE issued a Decision and Order granting two Motions for Modification and a second-stage refund application submitted by the State of New York. New York will be permitted to modify its proposals outlined in *Standard Oil Co. (Indiana)/New York*, 12 DOE ¶ 85,090 (1984) and in *National Helium Corp./New York*, 14 DOE ¶ 85,254 (1986), and will be permitted to use an additional $64,502 from the National Helium Corp. escrow account. Programs to be funded include several energy audit programs for residential buildings and small businesses, an energy measurement equipment program, and a homeless housing rehabilitation program.

Taylor's Farm & Dairy, et al., 11/16/87, RF272-924, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 25 claimants based on their respective purchases of refined, petroleum products during the period August 19, 1973 through January 27, 1981. Each of the claimants used the products for various agricultural activities, and estimated its consumption based on the acres it farmed. Each was an end-user of the products it claimed, and was therefore presumed injured by the DOE. All of the claimants will be eligible for additional refunds as additional crude oil overcharge funds become available. The total amount of refunds granted is $868.

The True Companies/Alden Oil Company; Kerr-McGee Corporation, 11/20/87, RF195-04, RF195-12

The DOE issued a Decision approving two Applications for refund in the True Oil Company refund proceeding. The two claimants demonstrated that they were direct purchasers of True covered products during the Consent Order period. Each applicant elected to limit its claim to the figures contained in the *True* Appendices. Because each claim was less than the $5,000 small claims threshold, the claimants were not required to demonstrate injury. The total amount of refunds granted in this decision is $6,685, representing $4,929 in prinicipal and $1,756 in interest.

Dismissals

The following submissions were dismissed:

Company name	Case No.
Gulf States Oil & Refining Company	RF277-75.
Jerry's Biltmore Gulf	RF300-412.
M. A. Malik	KFA-0138.
Mission Lumber Company	RF294-1.
Owen's Gulf	RF300-481
Reco Petroleum, Inc.	KEE-0156.
Thermagas, Inc.	RF300-469.
Tri-County Gas Company	RF300-468.
10-10 Truck Stop	RF300-470.

Copies of the full text of these Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

January 26, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 88-2282 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of November 30 through December 4, 1987

During the week of November 30 through December 4, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Hanford Education Action League, 11/30/87, KFA-0136

The Hanford Education Action League (HEAL) filed an Appeal from a partial denial by the Assistant Manager for Administration of the Richland Operations Office (the Assistant Manager) of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that HEAL had been provided with all existing lists of accidents and other non-routine incidents that occurred at the DOE's Hanford nuclear facility. It found that the Assistant Manager was not required to create a complete list of accidents in response to HEAL's Freedom of Information Request. The DOE also found, however, that the Assistant Manager's search for all reports of accidents or incidents occurring at the Hanford facility was inadequate. Accordingly, the Appeal was granted in part and the matter was remanded for an additional search for responsive documents.

Petitions for Special Redress

Arizona, 12/1/87, KEG-0018, KEG-0021

The DOE issued a Decision and Order concerning two Petitions for Special Redress filed by the State of Arizona. The State sought approval to use Stripper Well funds for two projects which the DOE's Assistant Secretary for Conservation and Renewable Energy held to be inconsistent with the terms of the Stripper Well Settlement Agreement. The DOE approved the State's proposal to use $433,000 to fund the Motor Fuel Quality Assurance Program on the basis of several procedents in the OHA Subpart V second-stage proceedings. However, the DOE did not approve the State's proposal to use $7,000,000 to fund an elderly low-income subsidy program because the State did not provide materials upon which DOE could conclude that the program would achieve restitution.

Maine, 12/2/87, KEG-0022

The Department of Energy (DOE) issued a Decision and Order concerning the Petition for Special Redress filed by the State of Maine. Maine sought approval to use Stripper Well funds for two Underground Petroleum Storage Tank Removal programs previously deemed inconsistent with the terms of the Stripper Well Settlement Agreement by the DOE's Assistant Secretary for Conservation and Renewable Energy. After considering Maine's Petition, the DOE disapproved the State's proposal to use $3.5 million for the storage tank projects. The DOE found that the programs address environmental goals rather than energy related ones and should therefore not be funded from oil overcharge monies intended for energy restitution. Accordingly, Maine's Petition for Special Redress was denied.

Remedial Order

William Valentine & Sons, Inc., et al., 12/2/87, KRO-0410

William Valentine & Sons, Inc., Valentine Construction, Inc., Dale L. Valentine, Verna Valentine and James L. Marchant (the respondents) objected to a Proposed Remedial Order (PRO) which the DOE's Economic Regulatory Administration (ERA) issued to them on October 27, 1986. In the PRO, the ERA alleged that during the period May 1979 through December 1980, Big Muddy Oil Processors, Inc. (Big Muddy), an entity related to the respondents, engaged in the reclamation of waste crude oil and in the course of its operations resold blend crude oil and other "blending agents" at prices in excess of those permitted under the crude oil reseller price rule, 10 CFR Part 212, Subpart L. The PRO finds that the respondents are jointly and severally liable for Big Muddy's pricing violations.

The DOE found no merit in respondent's argument that Big Muddy should not be treated as a reseller of crude oil for purposes of the regulations. The DOE held that Big Muddy was properly classified as a crude oil reseller because it purchased waste crude oil, blended it with other purchased products, and resold the resulting mixture as 100% crude oil. The DOE next rejected respondents' contention that the price relief granted to Big Muddy did not specifically exclude the volumes of blending agents sold by that firm. The DOE also denied respondents' assertion that the enforcement of the price regulations was inequitable with respect to Big Muddy. In this regard, the DOE found that respondents had not shown that the ultimate financial failure of Big Muddy's reclamation operations was in any way attributable to an inadequate permissible price markup for the resale of its blending agents. On the issue of individual liability, the DOE rejected respondents' objections. It found that Dale and Verna Valentine and James Marchant were personally liable for Big Muddy's violations because they were central figures in the firm's violations and had derived some benefit from them. It also found that William Valentine & Sons, Inc. and Valentine Construction, Inc. shared a unity of interest and ownership with Big Muddy that warranted holding those firms jointly liable for Big Muddy's price violations.

Accordingly, the PRO was issued as a final Remedial Order. The Remedial Order directs the respondents to refund $1,454,876.35, plus interest, for ultimate distribution under 10 CFR Part 205, Subpart V.

Refund Applications

Cranston Oil Service Company, Inc., Tillie Gertz, et al., 12/1/87, RF276-10 et al.

The DOE issued a Decision and Order concerning 25 Applications for Refund filed by end-users of No. 2 heating oil covered by a consent order that the agency entered into with Cranston Oil Service Company Inc., and its successor-in-interest Galego Oil Company. The Applications were evaluated in accordance with procedures set forth in *Cranston Oil Service Co.*, 14 DOE ¶ 85,499 (1986). The sum of the refunds approved in this Decision is $2,443, representing $2,144 in principal and $299 in interest.

Ford Motor Company, 12/2/87, RF270-2497

The Office of Hearings and Appeals issued a Decision and Order granting an Application for Refund from the Surface Transporters Escrow filed by Ford. Ford's refund will be based on its purchases of 26,964,186 gallons of U.S. petroleum products.

Getty Oil Company/Stanley Morris Oil Company, et al., 12/3/87, RF265-65, et al.

The DOE issued a Decision and Order concerning 43 Applications for Refund filed by resellers and retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In all of these cases, the applicants elected to base their claims on a percentage presumption of injury methodology. They were therefore eligible to receive less than $50,000 each.

The sum of the refunds approved in this Decision is $494,752, representing $245,603 in principal and $249,149 in accrued interest.

Giant Industries, Inc., 12/2/87, RR270-24

The Department of Energy (DOE) issued a Decision and Order concerning a Motion for Reconsideration of a Decision which denied an application for refund from the Surface Transporters Escrow filed by Giant Industries, Inc. 16 DOE ¶ 85,472 (1987). In that Decision, the DOE determined that the firm was not eligible for a Surface Transporter refund because it had received a refund from the escrow account established for Refiners. Upon reconsideration, the DOE determined that Giant's receipt of a refund from the Refiners' escrow precluded it from receiving a Surface Transporter refund. The DOE further determined that the fact that Giant received its Refiners' refund prior to its signing the Surface Transporters Escrow Settlement Claim Form and Waiver did not alter the determination. Therefore, the DOE determined that the Motion for Reconsideration should be denied.

Gulf Oil Corporation/R.F. White Co., Inc., 12/2/87, RF40-3129

The DOE issued a Decision and Order granting an Application for Refund filed by R.F White Co., Inc. in connection with the Gulf Oil Corporation special refund proceeding. In accordance with the procedures set forth in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), the applicant documented its purchases of Gulf product, and demonstrated that it would not have been required to pass through to its customers a cost reduction equal to the refund amount claimed. The DOE determined that White should receive a total refund of $28,763, representing $22,639 in principal and $6,124 in interest.

Hilt Truck Line, 12/4/87, RR270-26

The DOE issued a Decision and Order regarding a Motion for Reconsideration filed by Hilt Truck Line (Hilt) in the Surface Transporters Refund Proceeding. Hilt's initial refund application was denied on the grounds that the firm's owner-operators were responsible for fuel costs and as such Hilt was not eligible for a refund. In its Motion for Reconsideration, Hilt produced a copy of a lease demonstrating that in fact the firm itself was contractually responsible for the fuel purchases of its owner-operators. Therefore, Hilt's Motion for Reconsideration was granted, and the DOE approved Hilt's initial claim of 39,712, 949 gallons of petroleum products purchased.

John Bembry, et al., 12/3/87, RF272-924, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 49 applicants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each of the applicants used the products for various agricultural activities, and each determined its claim by consulting purchase records or by estimating its consumption based on the acres it farmed. Each was an end-user of the products it claimed, and was therefore presumed injured by the DOE. The sum of the refunds granted in this Decision is $1,240. All of the claimants will be eligible for additional refunds as additional crude oil overcharge funds become available.

Kaibab Industries, 12/1/87, RR270-18

Kaibab Industries filed a Motion for Reconsideration of a Decision and Order that the OHA issued on August 27, 1987 in the Surface Transporter Refund proceeding. *In Re: The Department of Energy Stripper Well Exemption Litigation*, M.D.L. 378. In the August 27, 1987 Decision and Order, Kaibab was approved 6,911,464 refund gallons of motor vehicle fuel which the firm used in its truck operations. In its Motion for Reconsideration, Kaibab sought additional refunds based on 3,116,792 gallons of refined products that the firm used in its sawmill operations. In this Decision and Order, the OHA analyzed Kaibab's consumption of the 3,116,792 gallons of petroleum products in the firm's sawmill operations. The OHA approved 75 percent of that volume, which was used to haul logs, and denied the remaining 25 percent of the gallons, which were used to operate off-road equipment.

Marathon Petroleum Company/Ecol, Inc. 12/1/87, RF250-2069.

The DOE issued a Decision and Order concerning an Application for Refund from the Marathon refund proceeding filed on behalf of Ecol, Inc. by Emro Marketing Company. Emro, the current owner of Ecol, sought a refund based on Ecol's purchases of Marathon product. The DOE determined that Emro, as a wholly-owned subsidiary of Marathon, was ineligible to receive a portion of the consent order funds remitted by Marathon. Accordingly, the Application for Refund was denied.

Marlen L. Knutson Distributors, Inc./ Sno-King Red Barn Whitehorse Mercantile, 12/2/87, RF279-1, RF279-2

The DOE issued a Decision granting 2 Applications for refund from the Marlen L. Knutson Distributors, Inc. consent order fund. In the Decision, the DOE found that the two applicants had previously been identified as first purchasers of motor gasoline from Knutson. The DOE stated that applicants who certified that they had purchased motor gasoline from Knutson and that they were willing to rely on data in the DOE audit file would be eligible for a refund. The DOE concluded that the two applicants had satisfied these requirements, and that they would be granted refunds totalling $1,198, consisting of $701 in principal and $497 in interest.

Schaal Farms, et al., 12/3/87, RF272-3434, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 50 applicants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each of the applicants used the products for various agricultural activities, and each estimated its claim based on the acres it farmed. Each was an end-user of the products it claimed, and was therefore presumed injured by the DOE. The sum of the refunds granted in this Decision is $805. All of the claimants will be eligible for additional refunds as additional crude oil overcharge funds become available.

Standard Oil Co. (Indiana)/Nebraska, 12/1/87, RM21-88

The DOE issued a Decision and Order approving the Motion for Modification filed by the State of Nebraska in the Standard Oil Co. (Indiana) (Amoco I) refund proceeding. Nebraska will use $55,000 of its unexpended Amoco I funds for an agricultural minimum tillage demonstration program involving sugar beet seedings. In evaluating Nebraska's plan, the DOE found that the proposed program would help farmers conserve energy by reducing the number of fuel-consuming steps required for soil preparation. The DOE concluded that the program would therefore provide restitutionary benefits to consumers who were injured by the oil overcharges during the period 1973-1981.

Tresler Oil Company/Swifty Oil Company, 12/4/87, RF295-1

The DOE issued a Decision granting a refund from the Tresler Oil Company escrow account filed by Swifty Oil Co., a retailer of Tresler motor gasoline. The Applicant elected to apply for a refund based upon the presumptions set forth in the *Tresler* decision. *Tresler Oil Company*, 15 DOE ¶ 85,522 (1987). The

DOE granted a refund of $1,105 ($957 principal and $148 interest).

DISMISSALS

Name	Case No.
A.O. Thompson Lumber Co.	RF294-4.
Clark Oil Distributors, Inc.	RF272-3480.
Howe & Company	RF40-2168.
Hunsaker Truck Lease, Inc.	RR270-25.
Leon L. Sidell	RF225-342.
Milton Transportation	RR270-16.
Myer's Propane Gas Service	RF277-84.
Owens-Illinois	RF225-5020
	RF225-5021.
Schlichers Store	RF225-8538.
Seattle Post-Intelligencer	KFA-0140.
Tenneco Oil Company	RF40-2582.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

January 27, 1988.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

[FR Doc. 88-2283 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; During the Week of December 28, 1987 Through January 1, 1988

During the week of December 28, 1987 through January 1, 1988, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Request for Modification and/or Rescission

J.D. Streett & Company, Inc., 12/29/87, KRR-0038

The Department of Energy (DOE) denied a Motion for Reconsideration filed by J.D. Streett & Company, Inc. (Streett) in connection with an Interlocutory Order previously issued to the firm. *J.D. Streett & Co.*, 16 DOE ¶83,015 (1987). The Interlocutory Order resolved certain legal issues, as well as the audit methodology, underlying a Proposed Remedial Order (PRO) issued to Streett by the Economic Regulatory Administration (ERA) on May 21, 1982. Streett requested reconsideration of two determinations reached in the Interlocutory Order: (1) that Streett's increased product costs for leaded and unleaded gasoline must be determined on a separate product basis; and (2) that Streett's belated claim that the ERA conducted a double-audit must be rejected. The DOE found a lack of any significantly changed circumstances to justify reconsideration. Specifically, the DOE rejected Streett's assertion that an extension of time granted the ERA in which to revise the PRO justifies reopening the "double-audit" claim. That time extension was merely procedural in nature and did not permit the reopening of issues previously resolved in the Interlocutory Order. Finally, the DOE found that Streett advanced no arguments whatsoever to support reconsideration of the increased costs issue. Accordingly, reconsideration was denied.

Refund Applications

Beacon Oil Company/Ben W. Nachtigall Distributor, Inc., J.B. Dewar, Inc., L.A. Oil Company 12/28/87, RF238-13, RF238-33, RF238-56

The DOE issues a Decision and Order concerning three Applications for Refund filed by resellers and retailers of Beacon Oil Company petroleum products. Each firm applied for a refund based on the procedures outlined in *Beacon Oil Co.*, 14 DOE ¶85,011 (1986), as modified by *Beacon Oil Co.*, 14 DOE 85,509 (1986), governing the disbursement of settlement funds received from beacon pursuant to a December 17, 1979 Consent Order. Since the applicants were resellers and retailers claiming refunds of $5,000 or less, they were presumed to have been injured by Beacon's alleged overcharges. After examining the applications and supporting documentation submitted by the claimants, the DOE concluded that they should receive refunds totaling $22,854, representing $11,076 in principal and $11,778 in accrued interest.

Conoco Inc./Bussanmus, Inc., 12/28/87, RF220-276

The DOE issued a Decision and Order granting an Application for Refund filed by Bussanmus, Inc. in the Conoco Inc. special refund proceeding. *Conoco Inc.*, 13 DOE ¶85,316 (1985). Bussanmus was a retailer of Conoco refined petroleum products claimning a refund of less than $5,000 and were therefore presumed to have been injured by Conoco's alleged overcharges. After examining the application and supporting documentation submitted by Bussanmus, the DOE concluded that it should receive a refund of $1.079, representing $754 in principal and $325 in accured interest.

Pyrofax Gas Corporation/Rural Gas Service of Warren, 12/28/87, RF277-71

The DOE issued a Decision and Order concerning an Application for Refund filed by Rural Gas Service of Warren, a purchaser of Pryrofax propane. The firm applied for a refund based on the procedures outlined in *Pyrofax Gas Corp.*, 15 DOE ¶85,494 (1987) (Pyrofax), governing the disbursement of settlement funds received from Pyrofax pursuant to a March 23, 1981 Consent Order. The firm was a retailer of Pyrofax propane and filed for a small claims refund of less than $5,000, plus accured interest. The firm provided evidence of its purchases of Pyrofax propane during the consent order period. In *Pyrofax*, the DOE adopted the presumption that all retailers claiming $5,000 or less, excluding accrued interest, were injured. After examining the application and supporting documentaion submitted by the claimant, the DOE concluded that the firm should receive a refund of $5,209, representing $2,874 in principal and $2,335 in accrued interest.

Standard Oil Co. (Indiana)/Colorado, 12/30/87, RM251-74, RM251-86, RM251-417

The DOE issued a Decision and Order denying the Motions for Modification and the second-stage refund application filed by the State of Colorado in the Standard Oil Co. (Indiana) (Amoco II) refund proceeding. Colorado requested permission to use $20,000 for the 1987 Energy Forecast and $75,000 for several projects administered by the Denver Metropolitan Air Quality Council (MAQC). The DOE found that both programs failed to provide restitution to injured consumers of petroleum products. In past determinations, the DOE has stated that energy forecasts, such as the one proposed by Colorado, do not benefit injured consumers. The DOE has also previously denied programs, like the Denver MAQC, whose goal is to promote changes in state laws. Accordingly, Colorado's submissions were denied.

Dismissals

The following submissions were dismissed:

Name and Case No.

L.F. Archer Co. RF238-52
Mrs. Benjamin Pina; RF276-263
Multinational Legal Services, P.C.; KFA-0150
Textron Lycoming; RF272-7356

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Dated: January 27, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 88-2284 Filed 2-3-88; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) announces procedures for the disbursement of $68,035,515.62 (plus accrued interest) obtained as a result of a Consent Order which the DOE entered into with the Atlantic Richfield Company (ARCO), a major integrated refiner marketing crude oil and refined petroleum products throughout the United States. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for Refund from the refined product portion of the ARCO consent order fund must be filed in duplicate and postmarked by August 31, 1988. All applications should refer to the ARCO Refund Proceeding, Case Number HEF-0591 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-3054.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy, set forth at 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to a Consent Order entered into by the DOE and the Atlantic Richfield Company (ARCO) which settled a comprehensive list of issues pertaining to ARCO's compliance with the Federal petroleum price and allocation regulations during the period January 1, 1973, through January 27, 1981 (consent order period). A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the ARCO consent order funds was issued on June 26, 1986. 51 FR 24206 (July 2, 1986).

The Decision sets forth procedures and standards which the DOE has formulated in order to distribute the contents of the escrow account funded by ARCO pursuant to the Consent Order. The escrow funds associated with ARCO's alleged refined product violations, $46,387,975.26, plus interest, will be used to provide restitution to individuals and firms that purchased refined covered products sold by ARCO during the period March 6, 1973, through January 27, 1981. The remainder of the escrow funds, $21,647,540.36, plus interest, will be disbursed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, *See* 51 FR 27899 (August 4, 1987), using the procedures described in *A. Tarricone, Inc., et al.,* 15 DOE ¶ 85,495 (1987).

As the accompanying Decision and Order indicates, Applications for Refund may now be filed by purchasers of refined covered products sold by ARCO during the period March 6, 1973, through January 27, 1981. Applications will be accepted provided they are filed in duplicate and postmarked by August 31, 1988. The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: January 28, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order—Implementation of Special Refund Procedures

January 28, 1988.

Name of Firm: Atlantic Richfield Company

Date of Filing: July 30, 1985

Case Number: HEF-0591

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On July 30, 1985, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a June 27, 1985 Consent Order between Atlantic Richfield Company (ARCO) and the DOE.

I. Background

During the period of federal petroleum price and allocation controls, ARCO was engaged in the production, importation, sale, and refining of crude oil; the sale of residual fuel oil, motor gasoline, middle distillates, aviation fuel, propane, and other refined petroleum products; and the extraction, fractionation, and sale of natural gas liquids and natural gas liguid products. The firm was therefore subject to the Mandatory Petroleum Price and Allocation Regulations set forth at 6 CFR Part 150 and 10 CFR Parts 210, 211, and 212. After an extensive audit of ARCO's operations, ERA alleged that the firm had violated applicable DOE pricing and allocation regulations in its sales of covered products.

On January 23, 1985, ERA and ARCO signed a Proposed Consent Order settling a comprehensive list of issues pertaining to ARCO's compliance with the federal petroleum price and allocation regulations during the period, January 1, 1973, through January 27, 1981 (consent order period). 50 FR. 8366 (March 1, 1985). Under the terms of the Proposed Consent Order, ARCO agreed to remit a total of $65,700,000, plus interest, to the DOE [1] and ERA agreed not to pursue its allegations regarding ARCO's compliance with the DOE regulations, with the exception of certain issues enumerated in the Proposed Consent Order. *See* Proposed Consent Order, ¶ 501, 50 FR. 8732 (March 1, 1985). The Proposed Consent Order specifically stated that "[e]xecution of this Consent Order constitutes neither an admission by ARCO nor a finding by DOE of any violation by ARCO of any statute or regulation." Proposed Consent Order, ¶ 506, 50 FR. 8373 (March 1, 1985). On June 27, 1985, the DOE finalized the ARCO

[1] Upon signing the Proposed Consent Order, ARCO deposited $65,700,000 into an interest-bearing escrow account administered by the Bank of America, pending completion of the public comment period and finalization of the Consent Order.

Consent Order, with only minor technical modifications.[2] 50 FR 26603 (June 27, 1885).

On June 26, 1986, we issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the ARCO consent order funds. 51 FR. 24206 (July 2, 1986). In this Decision and Order, we will address the comments which were submitted in response to the PD&O and will adopt final refund procedures. In addition, we will provide a suggested refund application format in order to assist individuals and firms in making claims.

II. Summary of Proposed Refund Procedures

As we indicated in the PD&O, the ARCO Consent Order resolved alleged regulatory violations involving the sale of both refined covered products [3] and crude oil. Therefore, we proposed to divide the escrow funds into two pools.[4] Because the record indicated that approximately 68.182 percent of the alleged overcharges resolved by the Consent Order occurred in ARCO's sales of refined products, we proposed that 68.182 percent of the consent order funds be made available for distribution to individuals and firms that were injured by their purchase of ARCO refined covered products during the period March 6, 1973, through January 27, 1981 (refund period).[5] We also proposed that the remaining 31.818 percent of the escrow fund be set aside as a pool of crude oil monies.[6]

In the PD&O, we outlined procedures under which purchasers of ARCO refined covered products could apply for refunds. The procedures involve: (1) Assigning applicants shares of the ARCO settlement, *i.e.*, potential refund amounts; and (2) determining the extent to which the claimants were injured by the alleged overcharges. In order to permit applicants to make refund claims without incurring disproportionate costs as well as to allow us to equitably and efficiently consider those claims, we set forth a number of presumptions pertaining to both aspects of the refund procedures.

First, we presumed that the alleged product overcharges were spread evenly in all of ARCO's sales of refined covered products during the consent order period. We therefore proposed that an applicant's maximum potential refund generally should be computed by multiplying the per-gallon refund amount by the number of gallons of ARCO refined covered products that the claimant purchased during the refund period.[7] The resulting figure is referred to as the claimant's "full volumetric share" of the ARCO consent order funds. We further proposed, however, that an applicant could rebut the volumetric refund presumption by showing that it sustained a disproportionate share of the alleged overcharges.

Because demonstrating that one was forced to absorb ARCO's alleged overcharges is potentially difficult, time-consuming, and expensive, we proposed to adopt a number of presumptions concerning injury. For example, we proposed to presume that resellers and retailers claiming refunds of $5,000 or less, end users, agricultural cooperatives, and certain types of regulated firms were injured by ARCO's alleged overcharges. We also proposed to presume that resellers and retailers that made only spot purchasers from ARCO as well as consignee agents were not injured and are therefore ineligible for refunds. We stated that applicants not covered by one of these injury presumptions would be required to demonstrate that they were forced to absorb ARCO's alleged overcharges in order to receive their full volumetric shares of the ARCO consent order funds.[8] We further proposed, however, that with respect to their purchases of ARCO motor gasoline resellers and retailers should be allowed to receive 41 percent of their full volumetric shares up to $50,000, without making detailed demonstrations of injury. This "mid-level" presumption that ARCO resellers and retailers absorbed 41 percent of the alleged overcharges associated with ARCO's sales of motor gasoline was based on national average profit margin data for resellers and retailers of motor gasoline.[9] Because suitable profit margin data for other products were unavailable, we proposed to restrict the use of the mid-level presumption to claimants' purchases of ARCO motor gasoline.

III. Comments on the Proposed Procedures

The PD&O was published in the **Federal Register** on July 2, 1986, and comments on the proposed refund procedures were requested by August 1, 1986. *See* 51 FR 24206. In addition, copies of the PD&O were mailed to a variety of organizations representing a broad spectrum of potential ARCO refund applicants. Ten parties filed comments on the proposed refund procedures. Those comments, which concern an array of issues, are discussed below.

A. Crude Oil Comments

In the PD&O, we proposed to distribute the crude oil portion of the ARCO consent order funds in accordance with the DOE's Statement of Restitutionary Policy in Crude Oil Cases (SRP). 50 FR 27400 (July 2, 1985). The Commonwealth of Pennsylvania, however, urged us not to follow this policy and, instead, to distribute the ARCO crude oil funds to state governments as a way of effecting indirect restitution. On July 28, 1986, after we had issued the ARCO PD&O and after the Commonwealth of Pennsylvania had filed its comments, the DOE amended the SRP. *See* 51 FR 27899 (August 4, 1987). Under the Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP), up to 20 percent of crude oil overcharge funds

[2] At the same time, ARCO transferred $68,035,515.62, including interest, to the DOE.

[3] For the purposes of this Decision, the term "refined covered products" includes all covered products other than crude oil.

[4] The PD&O explained that any crude oil overcharges would have been dispersed throughout the domestic refining industry through the operation of the DOE Entitlements Program, and that as a policy matter the DOE had decided that direct restitution for these alleged overcharges was impractical. We proposed to distribute the ARCO crude oil funds in accordance with the DOE's Statement of Restitutionary Policy in Crude Oil Cases (SRP). 50 Fed Reg. 27400 (July 2, 1985). Under the SRP, all funds received in crude oil cases were to be held in escrow pending Congressional action. However, if Congress did not act by the autumn of 1986, crude oil funds were to be paid into the U.S. Treasury.

[5] Except for the first ten days of 1973, no ARCO products were "covered" by mandatory controls until March 6, 1973. Because refunds in this type of case are only warranted for purchases of regulated products, the refund period begins on this date.

[6] In the PD&O, we applied the 31.818 percent figure to $65,700,000, the ARCO consent order amount, and produced a crude oil sum of $20,904,426. However, this calculation should have been based on $68,035,515.62, the total amount of money that ARCO eventually remitted to the DOE. Using this figure, the crude oil portion of the ARCO consent order funds is $21,647,540.36 (0.31818 x $68,035,515.62). Similarly, the refined product portion of the ARCO monies is $46,387,975.26 (0.68182 x 68,035,515.62). In addition to these sums, the pools will also include proportionate shares of the interest that has accrued on the escrow account.

[7] Based on the revised calculation of the product portion ($46,387,975.26) of the money that the DOE ultimately received from ARCO (*see supra* note 6), we are raising the per-gallon refund amount from $0.000710 to $0.000735 per gallon ($46,387,975.26/63,109,256,000 gallons of refined covered products estimated to have been sold by ARCO during the refund period).

[8] As stated in the PD&O, an applicant attempting to demonstrate injury must: (1) show that it maintained banks of unrecouped increased product costs of sufficient size to justify the amount of the refund claimed; and (2) demonstrate that market conditions forced it to absorb the alleged overcharges.

[9] We computed the 41-percent fraction from information concerning the percentage of months of our data set in which the profit margins of resellers and retailers declined.

will be reserved for the payment of refunds to eligible applicants, and the balance will be divided between the states and the U.S. Treasury, as indirect restitution to unidentified injured parties. The Commonwealth of Pennsylvania has presented no convincing arguments why we should not follow standard departmental policy, and we will distribute the ARCO crude oil monies in accordance with the MRSP.

B. Refined Product Comments

Most of the comments which we received concern the proposed procedures for distributing the refined product portion of the ARCO consent order funds. One of the commenters, Mr. Richard Gindhart, was a small retailer of ARCO motor gasoline whose firm was located in Bellingham, Washington. Mr. Gindhart states that, in 1973, ARCO opened a large self-service station near him that charged prices equal to the prices charged to him by his ARCO distributor. Mr. Gindhart states that as a result of ARCO's "predatory pricing practices", he suffered a significant sales volume decline and eventually sold his business in January 1978 at a price that he states was substantially less than the firm's market value. He therefore contends that he should be able to apply for a refund based not only on his full volumetric share of the ARCO consent order funds but also on the "injury" associated with ARCO's alleged "predatory pricing practices."

Mr. Gindhart's claims, if true, could conceivably have formed the basis for a private action against ARCO. Claims in the ARCO refund proceeding, however, must be based on matters resolved in the Consent Order pertaining to ARCO's compliance with the Mandatory Petroleum Price and Allocation Regulations. The arguments raised by Mr. Gindhart, though compelling, are not covered by the Consent Order. Therefore, unless Mr. Gindhart, or any other applicant, demonstrates that he either suffered a disproportionate share of the alleged overcharges or lost profits because of an ARCO allocation violation, he may only apply for his volumetric share of the ARCO consent order funds.

Several parties filed comments regarding the proposed injury presumptions.[10] For example, the Controller of California (Controller) disagrees with the presumption that resellers and retailers claiming refunds of $5,000 or less were injured by the alleged overcharges. He suggests a hypothetical situation in which a wholesaler and its retailer customer, if they are small claimants, would both be presumed to have absorbed 100 percent of the alleged overcharges associated with a given volume of ARCO products. In the past, the Controller has objected to our use of any injury presumptions for resellers and retailers. In this case, he insists that if we adopt such measures we should apply an absorption fraction similar to the one envisioned for use with mid-level motor gasoline claims. In the Controller's opinion, all resellers and retailers that wish to receive full volumetric refunds should be required to submit detailed proof of injury.

We do not agree with the Controller's position. Because demonstrating injury can be an expensive, time-consuming undertaking, failure to allow simplified application procedures for small claimants could effecively preclude such applicants from seeking refunds.[11] As we have stated in many previous cases, the small claims presumption provides adequate incentive for firms to apply for relatively small refunds, minimizes data retrieval burdens for small firms, and promotes efficient consideration of these types of applications by OHA. *See, e.g., Texas Oil & Gas Corporation, et al.*, 12 DOE ¶ 85,069 at 88,210 (1984) (*Texas Oil & Gas*). However, when we grant a small claimant a full volumetric refund, we are not making a specific finding regarding the portion of the alleged overcharges that the applicant absorbed. *See Little America Refining Company/University Gas*, 14 DOE ¶ 85,216 at 88,401 (1986). Therefore, direct and indirect purchasers can both properly receive small claims refunds for a given volume of ARCO products.

Two commenters, the ARCO Distributors Group (Distributors) and the ARCO Jobbers Group (Jobbers), suggest that we increase the $5,000 small claims amount with respect to applications filed by ARCO resellers. The Distributors and Jobbers believe that for the sake of administrative efficiency and in light of the passage of time, an average-sized reseller[12] should be able to receive a full volumetric refund without making a detailed showing of injury. The Distributors and Jobbers state that applying the $5,000 small claims amount to both resellers and retailers unfairly discriminates against resellers since the full volumetric refund of an average-sized retailer[13] would fall within the $5,000 limit while that of the average-sized reseller would not.

Adopting the suggestion of the Distributors and Jobbers would require us to depart from the considerations that led to the small claims presumption. The focus of the presumption is the size of the refund to be granted and whether the benefits to be obtained by the increased accuracy that is possible through analyzing injury data outweigh the burdens of supplying and reviewing the data. The presumption was adopted to assist applicants seeking small refunds regardless of whether the applicants are "average-sized" resellers or retailers. Under the approach suggested by the Distributors and Jobbers, even if we used the PMAA survey's lower median volume figure to define "average-sized reseller", the small claims amount would be set at over $25,000 (4.4 million gal./yr. × 7.8 × $0.000735/gal. = $25,225.20). We believe that if a reseller requests a full volumetric refund of this magnitude, the additional effort necessary for a detailed injury analysis is warranted. *See Gulf Oil Corporation*, 16 DOE ¶ 85,381 at 88,738 (1987) (*Gulf II*); *Marathon Petroleum Company*, 14 DOE ¶ 85,269 at 88,510 (1986) (*Marathon*).

We also received comments on our proposal to allow resellers and retailers of ARCO motor gasoline to receive 41 percent of their volumetric shares up to $50,000, without making detailed showings of injury. The Controller of California (Controller) claims that "administrative convenience" does not justify adoption of the 41-percent absorption presumption. He also contends that the 41-percent figure was inappropriately derived and that, instead of using national average profit margin data for resellers and retailers of motor gasoline to compute this fraction, we should have relied on the information outlined in the *Report of the Office of Hearings and Appeals, In Re:*

[10] Most of the commenters requested that we make changes in our proposed injury presumptions. The Northern Illinois Gas Company, however, expressed support for our proposal to presume that regulated utilities were injured by ARCO's alleged overcharges.

[11] If we followed the Controller's alternative suggestion and substituted the small claims presumption with an absorption presumption, we would still be effectively preventing small firms from seeking full volumetric refunds.

[12] Both the Distributors and Jobbers wish to base their definition of "average-sized reseller" on the results of a 1986 survey conducted by the Petroleum Marketers Association of America (PMAA) in which the organization requested information concerning its members' annual sales volumes of finished petroleum products. According to that survey, the mean annual sales volume figure was 8.4 million gallons; the median annual sales volume figure was 4.4 million gallons.

[13] Citing the 1986 NPN Factbook, the Jobbers state that the average service station in the United States sold approximately 61,000 gallons of petroleum products per month.

The Department of Energy Stripper Well Exemption Litigation, MDL No. 378 (D. Kan. filed June 21, 1985), 6 Fed. Energy Guidelines ¶ 90,507 (1985) (Stripper Well Report).

The Stripper Well Report addressed the absorption by refiners of crude oil overcharges. It did not consider overcharges on refined products or the absorption of such overcharges. As a result, the Stripper Well Report has no bearing on the alleged refined product overcharges in this proceeding. *See Marathon,* at 88,510–11. Nor was the proposal to adopt the mid-level injury presumption made solely for "administrative convenience." The 41-percent presumption was based on the best data at hand, and it promotes efficient, effective and equitable distribution of refunds to injured parties. *See* 10 CFR 205.282(e). Consequently, we reject the Controller's comments.

Four commenters, the ARCO Distributors Group (Distributors), the ARCO Jobbers Group (Jobbers), the National Association of Truck Stop Operators (NATSO), and the class of wholesale purchaser-resellers in *Van Vranken, et al. v. Atlantic Richfield Company,* Civil No. C–79–0627–SW (N.D. Cal.) (*Van Vranken class*) [14] request that purchasers of ARCO middle distillates also be allowed to use the 41-percent mid-level injury presumption.[15] The *Van Vranken* class states that restricting the use of this presumption to purchases of ARCO motor gasoline discriminates against truck stop operators and certain jobbers for whom diesel fuel represents a significant portion of their purchases. The Jobbers and NATSO believe that the extension of the mid-level presumption to middle distillate purchases would: (1) Further OHA's restitutionary duty in Subpart V proceedings; (2) ease the administrative burden on OHA in conducting the ARCO refund proceeding; and (3) be consistent with procedures used in other large refund proceedings. *See Gulf II,* at 88,740; *Getty,* at 88,123; *Marathon,* at 88,515. Moreover, the Jobbers and NATSO state that extending the mid-level injury presumption to purchases of ARCO middle distillates would not be counter-intuitive.

We find considerable merit in these comments. Although we stated in the PD&O that the lack of adequate profit margin data for other products caused us to restrict the use of the mid-level presumption to purchases of ARCO motor gasoline, the additional experience that we have gained in conducting large refund proceedings since the issuance of the PD&O confirms that a broader use of this presumption is warranted. Accordingly, we will allow resellers and retailers of *all* ARCO refined covered products to use the mid-level injury presumption.[16]

The *Van Vranken* class also suggests that we combine the small claims presumption with the 41-percent mid-level presumption so that a reseller or retailer of ARCO products that chose not to demonstrate injury would be able to receive a full volumetric refund up to $5,000 and 41 percent of the volumetric amount for all purchases in excess of those necessary to reach the $5,000 small claims limitation. The *Van Vranken* class maintains that this approach would provide a more equitable distribution of refunds and points out that if we do not adopt its proposal, resellers and retailers that are potentially eligible for full volumetric refunds between $5,000 and $12,196 would have to demonstrate injury or elect to limit their claims to $5,000.

As we have stated, the small claims presumption was adopted in order to avoid a situation in which the cost of preparing a refund claim exceeds the value of the potential refund. We have previously concluded that these considerations apply to claims for $5,000 or less. Plainly, the fact that an applicant seeking a refund of more than $5,000 may have to demonstrate injury certainly does not alter our conclusion. Moreover, there is nothing in the *Van Vranken* class submission that would lead us to alter this conclusion. Consequently, we will not adopt the *Van Vranken* class proposal.

We also received comments concerning the type of material that must be submitted to demonstrate injury. E–Z Serve Petroleum Refining and Marketing (E–Z), a firm located in Abilene, Texas, believes that resellers and retailers attempting to demonstrate injury should only be required to submit information regarding their banks of unrecouped increased product costs. The firm alleges that it is unreasonably burdensome to require these claimants to show that market conditions forced them to absorb the alleged overcharges.

There are two reasons why the existence of cost banks, by themselves do not show injury. First, cost banks were not supplier specific. In other words, an applicant's cost banks could have resulted from increased product costs associated with products purchased from other suppliers, not from any alleged ARCO overcharges. In addition, an applicant could have accumulated cost banks as part of a marketing strategy emphasizing high sales volumes rather than profit margins. In the latter case, the claimant would not have been forced by market conditions to absorb its supplier's price increases, and thus would not have been injured by the alleged overcharges. In light of the foregoing considerations, we believe that the second aspect of our injury requirement is essential. We must therefore reject E–Z's comments.

The ARCO Distributors Group (Distributors) asks that we modify the proposed refund procedures to allow claimants attempting to demonstrate injury to submit only annual profit and loss statements. We cannot adopt this suggestion, because annual profit and loss statements are not probative of the relevant question. Data from such statements do not allow us to determine whether an applicant was forced to absorb any of ARCO's alleged overcharges. There are any number of factors other than increased cost of goods from one supplier that may produce lowered profitability for example, higher prices from other suppliers, higher salaries, additional financing requirements, etc. Because the information contained in annual profit and loss instatements does not allow us to determine whether any deteriorating

[14] *Van Vranken, et al. v. The Atlantic Richfield Company,* Civil No. C–79–0627–SW (N.D. Cal.) is a private damage action filed pursuant to Section 210 of the Economic Stabilization Act of 1970 alleging the same overcharges that were resolved by the Consent Order underlying the ARCO special refund proceeding. On March 25, 1986, the United States District Court for the Northern District of California certified a class of wholesale purchaser-resellers in that litigation pursuant to Rule 23 of the Federal Rules of Civil Procedure.

[15] In the PD&O, we stated that resellers of motor gasoline in two-tiered distribution systems experienced reduced profit margins in 45 percent of the studied months while those in three-tiered distribution systems suffered profit margin reductions in 40 percent of the studied months. We also indicated that retailers of motor gasoline in two-tiered distribution systems experienced reduced profit margins in 42 percent of the studied months while those in three-tiered systems suffered profit margin reductions in 37 percent of the studied months. Citing this information, the Distributors want us to raise the mid-level absorption fraction to 43 percent for claims filed by resellers. We will not adopt this suggestion since, as we stated in the PD&O, the use of a single, average absorption fraction simplifies the refund procedures for the benefit of both the claimants and the DOE.

[16] Zephyr, Inc. of Muskegon, Michigan suggests that applicants be permitted to employ both the 41-percent presumption for their motor gasoline purchases and the small claims presumption for their purchases of other refined covered products. The firm claims it would be inequitable to require an applicant to waive its right to receive a small claims refund for purchases of products such as middle distillates merely because it has used the 41-percent presumption with respect to its purchases of motor gasoline. Our extension of the 41-percent injury presumption to purchases of all ARCO refined covered products should eliminate Zephyr's concerns. There is, however, no basis for establishing separate small claims thresholds for separate products.

operating conditions result from a combination of market conditions and a single supplier's prices, such statements are insufficient to show injury and cannot alone form the basis for a refund.

Zephyr, Inc. (Zephyr) pointed out that although the consent order period begins on January 1, 1973, the refund period specified in the PD&O begins on March 6, 1973. Zephyr states that ARCO was subject to mandatory Cost of Living Council (CLC) price regulations during the period, January 1, 1973, through March 5, 1973, and that resellers and retailers were not similarly regulated until June 14, 1973. Therefore, Zephyr requests that claimants be allowed to seek refunds for ARCO purchases made during the period, January 1, 1973, through March 5, 1973, and that reseller and retailer claimants not be required to demonstrate injury or be subject to the 41-percent mid-level presumption with respect to purchases made prior to June 14, 1973.

ARCO was *not* subject to mandatory controls prior to March 6, 1973. As a result, we concluded that the refund period should begin on that date, rather than at the onset of the consent order period.

However, we generally agree with the second part of Zephyr's comments. Because resellers and retailers were not subject to mandatory price controls prior to June 14, 1973, they were not required to maintain records documenting their purchase costs. Therefore, it would difficult for them to provide the information necessary to demonstrate injury. *See Office of Special Counsel,* 11 DOE ¶ 85,226 at 88, 389–90 (1984). Accordingly, resellers and retailers will not be required to demonstrate injury or be subject to the 41-percent mid-level presumption with respect to their purchases of ARCO refined covered products prior to June 14, 1973. However, in order to receive full volumetric refunds for the gallons bought during that period, they will be required to submit accurate monthly purchase volume data.

In the ARCO PD&O, we did not propose procedures for disbursing residual petroleum product monies in the ARCO escrow account. In two sets of comments, the Commonwealth of Pennsylvania and the Attorneys General of the states of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island, Utah, and West Virginia requested that these funds be distributed to state governments as a way of effecting indirect restitution to their citizens. On October 21, 1986, after the PD&O had been issued and after these comments had been filed, Congress enacted the Petroleum Overcharge Distribution and Restitution Act of 1986, Pub. L. 99–509, Title III (PODRA). *See* Fed. Energy Guidelines ¶ 11,702 *et seq.* PODRA requires the Secretary of Energy to determine annually the amount of petroleum product overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings, and to make those funds available to state governments for use in four energy conservation programs. PODRA, §§ 3003 (c) and (d). The Secretary has delegated these responsibilities to OHA, and any funds in the product portion of the ARCO escrow account that OHA determines will not be needed to effect direct restitution to injured parties will be distributed in accordance with the provisions of PODRA. [17] Because the PODRA monies will ultimately be distributed to the states, we are essentially adopting the commenters' suggestion.

After the PD&O had been issued, and after the comment period had expired, the DOE was approached by ARCO and counsel for Mr. Don Van Vranken, the class representative in *Van Vranken, et al. v. Atlantic Richfield Company,* Civil No. C–79–0627–SW (N.D. Cal.) (*Van Vranken*), a private action pending against ARCO in the United States District Court for the Northern District of California.

ARCO and counsel for the class in *Van Vranken* [18] informally sought to have the DOE select class counsel as sole representative for the "class" of persons involved in the lawsuit against ARCO, *i.e.* all resellers and retailers that purchased motor gasoline, middle distillates, propane, butane, and aviation fuels from ARCO during the period August 1, 1973, through January 28, 1981.[19] The DOE rejected the proposal, and stated that it was unacceptable because the Department could not relinquish a governmental decision-making function specifically delegated to DOE and OHA by statute, and because it would also divert Consent Order funds intended for restitution to injured parties to defer legal fees and administrative costs of counsel for the class. January 20, 1987 letter from Richard T. Tedrow, OHA Deputy Director, to Richard C. Morse, counsel for ARCO.

Notwithstanding the outright rejection of the ARCO/class counsel proposal, during July 1987, OHA became aware that the same scenario had been embodied in a Proposed Settlement of the *Van Vranken* litigation that had been formulated between ARCO and counsel for the class and tentatively approved by the Court. In addition to its other aspects that would preclude its adoption by DOE, the Proposed Settlement would appoint class counsel to be the *exclusive* representative of the entire class of first-purchaser resellers and retailers in the ARCO Subpart V proceeding. In other words, if the Proposed Settlement were finalized, any class member that did not file an "Election to Be Excluded" with the Court by August 21, 1987, would be barred from filing an individual refund claim with the DOE in the ARCO Subpart V proceeding. In view of the seriousness of this matter, the DOE filed an *amicus curiae* brief to inform the Court that because all similar refund applications submitted on behalf of "classes", such as that contemplated by the Proposed Settlement, had been rejected by the DOE, there was every reason to believe that the class application contemplated by the Proposed Settlement would also be rejected, thereby rendering the Proposed Settlement valueless to the class members. The DOE also pointed out that each member of the *Van Vranken* class would, in any event, be entitled to file a refund claim in the DOE's Subpart V proceeding without incurring any of the legal or other costs to be paid to class counsel under the Proposed Settlement. Thus, it is difficult to see how the Proposed Settlement could reasonably be expected to benefit the *Van Vranken* class. The Court has taken these matters under consultation. Because they remain unresolved, we are taking this

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[17] Pursuant to PODRA, $11,596,993.83, plus interest, was disbursed from the ARCO refined product pool in 1986. 51 Fed. Reg. 43964. (December 5, 1986).

[18] Counsel for the Van Vranken class are:

Josef D. Cooper, Esq., Law Offices of Josef D. Cooper, 100 The Embarcadero, Penthouse, San Francisco, CA 94105,

and

Tracy R. Kirkham, Esq., Hennigan & Mercer, 611 W. Sixth Street, 28th Floor, Los Angeles, CA 90017.

[19] Under this scenario, class counsel would file a claim that would set forth on an aggregatge basis the total volume of purchases of refined covered products during the refund period by all members of the class based on records to be provided by ARCO. In the event OHA accepted the class claim, the total refund for the class would be transferred to a Court-approved escrow agent. After compensating the class counsel with a portion of the refund monies, the Court would distribute the remaining funds to the individual class members that responded to the solicitation of class counsel. Monies to which non-responding members of the class would otherwise be entitled would be included in this distribution. This latter aspect of the proposal is inconsistent with DOE practice and Congressional intent, since it would provide inappropriate windfalls to responding members of the class at the expense of non-responding injured parties and of those entitled to indirect restitution. *See* Denny Klepper Oil Co. v. DOE, 598 F. Supp. 522, 527 (D.D.C. 1984).

opportunity to reiterate our opposition to the Proposed Settlement and to emphasize that any class refund application such as that contemplated by the Proposed Settlement would in all likelihood be rejected.

IV. Distribution of the ARCO Crude Oil Funds

The ARCO crude oil monies, $21,647,540.36, plus interest, will be disbursed in accordance with the MSRP, using the procedures described in *A. Tarricone, Inc., et al.*, 15 DOE ¶ 85,495 (1987) (*Tarricone*). Up to 20 percent of those funds, $4,329,508.06, plus interest, will be distributed to injured parties in the DOE's Subpart V crude oil refund proceeding. Refunds to eligible purchasers in that proceeding will be based on a per-gallon refund amount derived by dividing the sum of all crude oil overcharge monies in escrow by the total U.S. consumption of petroleum products during the period of federal petroleum price controls.[20] The principal volumetric refund amount associated with the ARCO crude oil funds is $0.0000107 per gallon. For further information concerning application procedures in the Subpart V crude oil proceeding, *see Berry Holding Company, et al.*, 16 DOE ¶ 85,405 (1987).

The remaining 80 percent of the ARCO crude oil funds, $17,318,032.30, plus interest, as well as any portion of the above-mentioned 20-percent reserve that is not distributed, will be divided equally between the states and the federal government for indirect restitution. We will therefore direct the DOE's Office of the Controller to disburse immediately $8,659,016.15, plus interest, to the federal government and to transfer $8,659,016.15, plus interest, into a special interest-bearing subaccount from which we shortly will make disbursements to the individual states.[21] Each state's share of the funds is set forth in the Stripper Well Exemption Litigation Settlement Agreement, *see* 6 Fed. Energy Guidelines ¶ 90,509 at 90,687 (1986), and is based on each state's consumption of petroleum products during the period of federal price controls. These funds are subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Settlement.

[20] It is estimated that 2,020,997,335,000 gallons of petroleum products were consumed in the United States during the period August 1973 through January 1981. Mountain Fuel Supply Company, 14, DOE ¶ 85,475 at 88,868 n. 4. (1986)

[21] As of December 31, 1987, the amount of accrued interest that the states and the federal government will each receive is $1,541,119.84.

V. Final Refund Procedures for the ARCO Refined Product Funds

We will use the monies in the ARCO refined product pool to provide refunds to claimants that demonstrate that they were injured by the regulatory violations allegedly committed by ARCO in its sales of refined covered products during the March 6, 1973, through January 27, 1981 refund period.[22] From our experience with Subpart V proceedings, we expect that most applicants will fall into the following categories of ARCO refined product purchasers: (1) Resellers and retailers; (2) end users, *i.e.*, ultimate consumers; and (3) regulated entities, such as public utilities, and cooperatives. Residual refined product funds in the ARCO escrow account will be distributed in accordance with PODRA.

A. Calculation of Refund Amounts

In order to determine the potential refund amounts for applicants in this proceeding, we are presuming that the alleged product overcharges were spread evenly over all of the gallons of refined covered products that ARCO sold during the refund period. Under this volumetric presumption, a claimant's maximum potential refund will generally be computed by multiplying $0.000735 per gallon, the per-gallon refund amount, by the number of gallons of ARCO refined covered products [23] that the applicant purchased during the refund period. The resulting figure is referred to as the claimant's "full volumetric share" of the ARCO consent order funds.[24] Successful applicants will also receive proportionate shares of the interest that has accrued on the ARCO escrow account.

The volumetric refund presumption is rebuttable. If an applicant believes that it incurred a disproportionate share of the alleged overcharges, it may submit evidence proving this claim in order to be potentially eligible for a larger refund. *See, e.g., Standard Oil Company (Indiana)/Army and Air Force Exchange Service*, 12 DOE ¶ 85,015 (1984).

B. Determination of Injury

The assignment of potential refund amounts to claimants is only the first step in the distribution process. We must also determine whether these claimants were forced to absorb the alleged overcharges. As in many other refund proceedings, we are adopting several presumptions concerning injury. Applicants that are not covered by one of these presumptions must demonstrate injury in accordance with the non-presumption procedures outlined below in Section 2.

1. *Injury Presumptions.* These injury presumptions are designed to allow claimants to participate in the refund process, without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible. Each of these presumptions is listed below along with the rationale underlying its use.

a. *End Users.* End users, *i.e.*, ultimate consumers, of ARCO covered products will be presumed to have been injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. Therefore, they were therefore not required to base their pricing decisions on cost increases or to keep records that would show whether they passed through cost increases. An analysis of the impact of the alleged overcharges on the final prices of goods and services

[22] Because the Consent Order covers ARCO's compliance with all aspects of the federal petroleum price and allocation regulations, the refined product escrow funds will be used to provide restitution to firms that show that they were injured by ARCO's allocation of its refined covered products. For these claimants, we will use the procedures outlined in Power Pak Co., Inc., 14 DOE ¶ 85,001 (1986). The remainder of this section concerns the filing of refund claims involving ARCO's alleged refined product pricing violations.

[23] Purchases of deregulated products, *i.e.*, products that were no longer "covered" by the Mandatory Petroleum Price and Allocation Regulations, 6cannot be used in the calculation of an applicant's potential refund amount. Below is a list of products sold by ARCO and the dates on which they were deregulated:

Product	Date decontrolled
Motor Gasoline, Propane.	Jan. 28, 1981.
Butane, Natural Gasoline.	Jan. 1, 1980.
Aviation Gas, Jet Fuel.	Feb. 26, 1979.
Naphtha-Based Jet Fuel.	Oct. 1, 1976.
Naphthas, Lubricants, Lube Oil.	Sept. 1, 1976.
Middle Distillates	July 1, 1976.
Residual Fuel	June 1, 1976.
Ethane, Asphalt	April 1, 1974.

[24] As in previous refund proceedings, claims for less than $15 in principal will not be processed because the cost of considering those claims outweighs the benefits of restitution in those situations. *See e.g.*, Uban Oil Company et al., 9 DOE ¶ 82,541 at 85,225 (1982). In this proceeding, this consideration precludes claims based upon purchases of less than 19,728 gallons of ARCO refined covered products.

that were not covered by the petroleum price regulations would therefore be beyond the scope of a special refund proceeding. *See Texas Oil & Gas,* at 88,209, and cases cited therein. Consequently, end users must only document the volume of ARCO refined covered products that they purchased during the refund period in order to receive a refund.

b. *Regulated Firms and Cooperatives.* Public utilities, agricultural cooperatives, and other firms whose prices are regulated by government entities or governed by cooperative agreements do not have to submit detailed proof of injury. These firms routinely would have passed through price increases to their customers, and will now pass on to their customers the benefits associated with refunds. *See, e.g., Office of Special Counsel,* 9 DOE ¶ 82,538 at 85,203 (1982) (*Tenneco*); *Office of Special Counsel,* 9 DOE ¶ 82,545 at 85,244 (1982). In order to ensure this result, in addition to documenting the volume of its ARCO purchases, a public utility or cooperative must submit a plan explaining both how its customers will benefit from a refund, and how it will alert the appropriate regulatory body or membership group to the moneys received. Purchases by a cooperative that were subsequently resold to nonmembers will not be covered by this presumption.

c. *Resellers and Retailers Filing Small Claims.* Resellers and retailers of ARCO refined covered products claiming refunds of $5,000 or less, excluding accrued interest, will be presumed to have been injured by ARCO's alleged overcharges. Without this presumption, such an applicant would have to sort through records dating as far back as 1973 to gather proof that it absorbed the alleged overcharges. The cost to the claimant of gathering this information, and to OHA of analyzing it, could exceed the actual refund amount. Under this injury presumption, a small claimant must only document the volume of ARCO refined covered products that it purchased during the refund period. *See Texas Oil & Gas,* at 88,210; *Office of Special Counsel,* 11 DOE ¶ 85,226 (1984); and cases cited therein. Resellers and retailers that are seeking full volumetric refunds in excess of $5,000 must follow the non-presumption procedures outlined below in Section 2.

d. *Resellers and Retailers Filing Mid-Level Claims.* Resellers and retailers whose full volumetric shares of the ARCO consent order funds exceed $12,193, may elect to receive 41 percent of their full volumetric shares up to $50,000 without providing detailed demonstrations of injury.[25] As we stated above, this option is based on the presumption that mid-level resellers and retailers absorbed 41 percent of ARCO's alleged overcharges.[26] Resellers and retailers that wish to receive refunds in excess of $50,000 must follow the non-presumption procedures described in Section 2.

e. *Spot Purchasers.* Resellers and retailers that were spot purchasers of ARCO refined covered products, *i.e.,* firms that made only sporadic, discretionary purchases, are presumed to have been injured by ARCO's pricing practices and therefore generally will be ineligible for refunds. The basis for this presumption is that spot purchasers tend to have considerable discretion as to where and when to make purchases and would therefore not have made spot market purchases at increased prices unless they considered those purchases to be beneficial. *See Tenneco,* at 85,201; *Office of Enforcement,* 8 DOE ¶ 82,597 at 85,396–97 (1981) (*Vickers*).

The spot purchaser presumption, however, is rebuttable; we will consider evidence that spot purchasers "were unable to recover the product prices they paid * * *" *Office of Special Counsel, 10 DOE ¶ 85,042 at 88,200 (1982). See also Marion Corp.,* 12 DOE ¶ 85,014 (1985); *Tenneco Oil Co./ Imperial Oil Co.,* 10 DOE ¶ 85,002 (1982). In other proceedings, we have waived the presumption against injury for spot purchasers that demonstrate that: (1) they did not have discretion in making the spot purchases; and (2) they were forced by market conditions to resell the product at a loss that was not subsequently recouped. *See, e.g., Saber Energy, Inc./Mobil Oil Corp.,* 14 DOE ¶ 85,170 (1986). If a spot purchaser rebuts this presumption, its application will be evaluated according to the standards applicable to the refund claims of all other resellers and retailers.

f. *Consignees.* Finally, as in previous cases, we will presume that consignees of ARCO refined covered products were not injured by the alleged overcharges. *See e.g., Jay Oil Company,* 16 DOE ¶ 85,147 at 88,286 (1987). A consignee agent is an entity that distributed products pursuant to an agreement whereby its supplier established the prices to be paid and charged by the consignee and compensated the consignee with a fixed commission based upon the volume of products distributed. This presumption may be rebutted by showing that the consignee's sales volumes and corresponding commission revenues declined due to the alleged uncompetitiveness of ARCO's pricing practices. *See Gulf Oil Corporation/C.F. Canter Oil Company,* 13 DOE ¶ 85,388 at 88,962 (1986).

2. *Non-Presumption Demonstrations of Injury.* A reseller or retailer with a full volumetric share in excess of $5,000 that does not elect to receive a refund under either the small claims presumption or the 41-percent mid-level presumption, will be required to document its injury. There are two aspects to such a demonstration. First, a firm is generally required to provide a monthly schedule of its banks of unrecouped increased product costs for each ARCO refined covered product that it purchased during the refund period. Cost banks for a product generally should cover the period between November 1, 1973,[27] and the date on which the product was decontrolled.[28] If a firm no longer has records of contemporaneously calculated cost banks for a particular product, it may approximate those banks by submitting the following information:

(1) The weighted average gross profit margin that the firm received for the product on May 15, 1973;

(2) A monthly schedule of the weighted average gross profit margins that it received for the product between November 1, 1973, and the date on which the product was decontrolled. Because cost banks were not supplier specific, the calculation of these monthly weighted average gross profit margins should be based on the claimant's purchases of the product from all of its suppliers; and

(3) A monthly schedule of the firm's sales of the product between November 1, 1973, and the date on which the product was decontrolled.[29]

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[25] A reseller or retailer whose full volumetric share is $12,193 or less could receive a larger percentage refund under the small claims presumption than under the 41-percent mid-level injury presumption.

[26] Large resellers and retailers, *i.e.,* those whose full volumetric shares exceed $121,952 may elect to limit their claims to $50,000 and thereby qualify for a refund under the mid-level injury presumption.

[27] The regulations allowing resellers and retailers to bank unrecouped increased product costs did not take effect until November 1, 1973. *See* 10 CFR 212.93(e)(1)(i).

[28] Retailers and resellers of motor gasoline were only required to maintain cost bank data up through July 15, 1979, and April 30, 1980, respectively. Therefore, in showing injury with respect to their purchases of motor gasoline, such claimants will not be required to submit cost bank material up to the January 28, 1981 decontrol date of motor gasoline.

[29] For motor gasoline, retailers and resellers only have to submit the information detailed in Parts (2) and (3) through July 15, 1979, and April 30, 1980, respectively. *See supra* note 28.

In addition to showing that it maintained cost banks equal to our greater than the value of the refund claimed, a reseller or retailer attempting to prove injury must also show that market conditions forced it to absorb the alleged overcharges. Generally, we will infer this to be true if the prices the applicant paid ARCO were higher than average market prices for the same level of distribution. Accordingly, a reseller or retailer attempting to demonstrate injury should submit a monthly schedule of the weighted average prices that it paid ARCO for each refined covered product that it purchased during the June 14, 1973, through January 27, 1981 portion of the refund period.[30] As previously stated, resellers and retailers need only submit monthly purchase volume data for the period March 6, 1973, through June 13, 1973.

A reseller or retailer that makes a detailed demonstration of injury will receive its full volumetric share of the ARCO consent order funds. On the other hand, an applicant that attempts to demonstrate injury, but instead conclusively shows that it passed through all of the alleged overcharges will receive no refund. If we conclude that a claimant attempting to demonstrate injury absorbed some of the alleged overcharges, we will grant a partial refund based on the extent of the injury shown and not on the small claims presumption or the 41-percent mid-level presumption. *See Union Texas Petroleum Corporation/Arrow Enterprises, Inc.*, 15 DOE ¶ 85,087 (1986); *Quaker State Oil Refining Corp./ Campbell Oil Co., Inc.*, 15 DOE ¶ 85,089 (1986).

VI. Applications for Refund

This determination announces that we will now accept Applications for Refund from purchasers of refined covered products sold by ARCO during the period, March 6, 1973, through January 27, 1981. There is no specific application form that must be used. We have, however, set forth a suggested format for filing an ARCO Application for Refund in the Appendix to this Decision and Order.[31] All Applications for Refund must contain the following information:

(1) A conspicuous reference to the "ARCO Refund Proceeding—Case No. HEF–0591", the applicant's present name and address, and the name and address of the applicant during the refund period;

(2) The name, title, and telephone number of a person who may be contacted for additional information concerning the application;

(3) An explanation of how the claimant used the ARCO products, *i.e.*, whether the applicant was a reseller, retailer, consignee, end user, public utility, cooperative, etc.;

(4) For each refined covered product, a monthly schedule of the number of gallons that the applicant purchased from ARCO during the March 6, 1973, through January 27, 1981 refund period.[32] If an applicant received a computer printout of its ARCO purchases from OHA, it may submit that printout in lieu of monthly purchase volume schedules. If a claimant was an indirect purchaser of ARCO refined covered products, it must also submit the name of its immediate supplier and indicate why it believes the products were originally sold by ARCO;

(5) All relevant material necessary to support its claim in accordance with the injury presumptions and requirements outlined above in Section V, Part B;

(6) If the applicant was or is in any way affiliated with ARCO, an explanation of the nature of that affiliation;

(7) A statement as to whether there was a change in ownership of the applicant's firm during or since the refund period. If there was such a change in ownership, the applicant must submit a detailed explanation as well as provide the names and addresses of the previous or subsequent owners;

(8) A statement as to whether the claimant is or has been involved in any DOE enforcement proceedings or private actions filed under §210 of the Economic Stabilization Act. If these actions have been concluded, the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must inform OHA of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d);

(9) A statement as to whether the applicant or a related firm has filed any other Application for Refund in the ARCO proceeding;

(10) A statement as to whether the claimant or a related firm has authorized any other individual(s) to file an Application for Refund on the claimant's behalf in the ARCO proceeding; and

(11) The following statement signed by the applicant or a responsible official of the business or organization claiming the refund: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the Federal Government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. 1001."

All Applications for Refund should be sent to: ARCO Refund Proceeding, Case No. HEF–0591, Office of Hearings and Appeals, Department of Energy, 100 Independence Avenue SW., Washington, DC 20585.

All applications *must be filed in duplicate* and postmarked by August 31, 1988. Any claimant that believes that its Application for Refund contains confidential information must submit two additional copies of the application in which the confidential information is deleted, together with a statement specifying why the information is confidential.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by the Atlantic Richfield Company pursuant to the Consent Order finalized on June 27, 1985, may now be filed.

(2) Applications for Refund from the Atlantic Richfield Company refined product pool must be postmarked no later than August 31, 1988.

(3) The deadline for filing Applications for Refund from the Atlantic Richfield Company crude oil pool will be established by the Office of Hearings and Appeals in the final decision issued in *Ernest A. Allerkamp, et al.*, Case Nos. KFX–0033, *et al.*, and will be no earlier than June 30, 1988.

(4) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy, shall take all steps necessary to transfer, as provided in Paragraphs (5), (6), and (7) below, the

[30] Because applicants are only eligible for refunds based on refined products that were "covered" by the federal price and allocation regulations, purchase price data for a particular product should only be submitted for the period between June 14, 1973, and the date on which the product was decontrolled. *See supra* note 23.

We generally obtain average market price information from Platt's Oil Price Handbook and Oilmanac (Platt's). If price data for a particular product is not available in Platt's, the burden of supplying alternative information will be on the claimant.

[31] Note that gasoline retailers must file a separate application for each gasoline station for which a refund is claimed.

[32] Because we will not process claims for less than $15 in principal, *see supra* note 24, an applicant must have purchased at least 19,728 gallons of ARCO refined covered products during the refund period in order for us to consider its application.

If an applicant submits estimated purchase volume figures, it must provide a detailed explanation of how it derived the estimates.

total net current crude oil equity from the Atlantic Richfield Company subaccount (Consent Order No. RARH00001Z) within the Deposit Fund Escrow Account maintained by the DOE at the Treasury of the United States.

(5) The Director of Special Accounts and Payroll shall transfer $10,200,135.99 ($8,659,016.15 in principal and $1,541,119.84 in interest), of the funds obtained pursuant to Paragraph (4) above, plus appropriate interest acrued since December 31, 1987, into a subaccount denominated "Crude Tracking-States," Number 999DOE003WO.

(6) The Director of Special Accounts and Payroll shall transfer $10,200,135.99 ($8,659,016.15 in principal and $1,541,119.84 in interest), of the funds obtained pursuant to Paragraph (4) above, plus appropriate interest accrued since December 31, 1987, into a subaccount denominated "Crude Tracking-Federal," Number 999DOE002WO.

(7) The Director of Special Accounts and Payroll shall transfer $5,100,067.98 ($4,379,508.06 in principal and $770,559.92 in interest), of the funds obtained pursuant to Paragraph (4) above, plus appropriate interest accrued since December 31, 1987, into a subaccount denominated "Crude Tracking-Claimants 1," Number 999DOE007Z.

(8) This is a final order of the Department of Energy.

George B. Breznay,
Director, Office of Hearings and Appeals.
January 28, 1988.

BILLING CODE 6450-01-M

Appendix

Suggested Format for Application for ARCO Refund -- HEF-0591

RF 304 -

DOE use only

1. Name of Applicant firm during the refund period (3/6/73 thru 1/27/81): _____

Address during refund period: _____

_____

_____

2. Person to whom refund check should be payable: _____

Address to which check should be sent: _____

_____

_____

Contact person: _____

Telephone No: ( ) _____

3. Type of Applicant:

Gas Station___ Other Retailer___ Reseller___ Consumer___ Public Utility___ Other___
(If you checked Other, please specify the nature of your business)

4. Total gallonage for which refund is requested: _____

5. Product(s) purchased (e.g., gasoline, propane, etc.): _____

6. Were the product(s) you bought ARCO-branded? Yes___ No___

7. If you are a reseller or retailer and you and your affiliates' full volumetric refund amount exceeds $5000, you may:

Submit a detailed demonstration of injury in support of your full volumetric refund amount. Yes___ No___

(Please refer to the ARCO Decision for a full discussion of a demonstration of injury)

-or-

Limit your request to $5,000. Yes___ No___

-or-

Limit your request to 41 percent of the full volumetric refund up to $50,000. Yes___ No___

(select one)

030

8. Were you supplied directly by ARCO? Yes___ No___

If you answered yes, please provide your Arco customer number (it is on the purchase volume printout): _____. If you answered no, please explain why you believe the product originated from ARCO and provide the name and address of the person or firm that sold the product to you.

9. Were you a consignee/agent of ARCO products?

(see question & answers) Yes___ No___

10. Is or was your business owned all or in part by ARCO? Yes___ No___

If you answered yes, please explain.

11. Did the ownership of your firm change during or since the refund period? Yes___ No___

If you answered yes, please provide an explanation that includes the names and addresses of any previous or subsequent owners.

12. Have you been or are you currently a party in a DOE enforcement action or a private Section 210 action? (see question & answers) Yes___ No___

If you answered yes, please explain.

13. Have you or any related or affiliated firm filed any other application for refund in this ARCO proceeding? Yes___ No___

If you answered yes, please attach an explanation.

14. Have you or any related or affiliated firm authorized any individual(s) other than those identified on this form to file a refund application on your behalf in this proceeding? Yes___ No___

If you answered yes, please attach an explanation.

I swear (or affirm) that the information contained in this application and its attachments is true and accurate to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a jail sentence, a fine, or both, pursuant to 18 U.S.C. Sec. 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application form which will be placed in the Public Reference Room of the Office of Hearings and Appeals.*

_____ _____
Date Signature of Applicant

_____
Title

*A duplicate of this entire application must be provided.

DO NOT COMPLETE THIS SCHEDULE IF YOU RETURN THE PRINTOUT OF YOUR ARCO PURCHASES WITH YOUR REFUND APPLICATION. OTHERWISE, PLEASE COMPLETE AND RETURN A SEPARATE SCHEDULE FOR EACH PRODUCT PURCHASED. IF YOUR FIGURES ARE ESTIMATES, PLEASE PROVIDE A DETAILED EXPLANATION OF HOW YOU DERIVED THE ESTIMATED VOLUMES.

Name of Applicant: _____ RF304-

MONTHLY PURCHASE VOLUMES OF _____ (PRODUCT)

	1973	1974	1975	1976	1977	1978	1979	1980	1981
January	********								
February	********								********
March									********
April									********
May									********
June									********
July									********
August									********
September									********
October									********
November									********
December									********
Yearly Total									

GRAND TOTAL FOR THIS PRODUCT: _____ GALLONS

Do not include any purchases of product on or after that product's date of decontrol.

Product	Date Decontrolled
Motor Gasoline, Propane	January 28, 1981
Butane, Natural Gasoline	January 1, 1980
Aviation Gas, Jet Fuel	February 26, 1979
Naphtha-Based Jet Fuel	October 1, 1976
Naphthas, Lubricants, Lube Oil	September 1, 1976
Middle Distillates	July 1, 1976
Residual Fuel	June 1, 1976
Ethane, Asphalt	April 1, 1974

[FR Doc. 88-2285 Filed 2-3-88; 8:45 am]
BILLING CODE 6450-01-C

FEDERAL HOME LOAN BANK BOARD

[No. AC-690]

First Federal Savings and Loan Association of Livingston County; Final Action Approval of Conversion Application

Date: January 29, 1988.

In the matter of First Federal Savings and Loan Association of Livingston County, Howell, Michigan, FHLBB No. 6224, D&N Savings Bank, FSB, Detroit, Michigan, FHLBB No. 0787.

Notice is hereby given that on January 29, 1988, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, pursuant to section 5(i) of the Home Owner's Loan Act of 1933, as amended, approved the application of First Federal Savings and Loan Association of Livingston County, Howell, Michigan ("First Federal") and D&N Savings Bank, FSB, Detroit, Michigan, for permission to convert First Federal to the stock form of organization by merging the Association into D&N. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Indianapolis, 1350 Merchants Plaza, South Tower, 115 West Washington Street, Indianapolis, Indiana 46204.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88-2317 Filed 2-3-88; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No: 224-010720-004.

Title: Port of Palm Beach Terminal Agreement.

Parties:

Port of Palm Beach District ("Port")
CHO Properties, Inc. ("CHO")

Synopsis: The proposed agreement amends Agreement No. 224-010720, as amended, whereby the Port conditionally leased to CHO property for the construction of improvements and operation of a business related to the importation and exportation of bulk materials and for activities related to a foreign trade zone. Under the instant amendment, the parties propose to amend the provisions for payment of a substitute wharfage fee to the Port of $41,000.00 on or before September 15, 1988; provided CHO also pays quarterly on the wharfage an interest cost fee at a rate of a nine (9) percent per annum. In addition, the amendment provides for two additional periods to satisfy construction and operational requirements. CHO agrees to pay the Port a sum of $15,000 for each additional extension of the agreement.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

Dated: February 1, 1988.

[FR Doc. 88-2291 Filed 2-3-88; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 232-011167.

Title: AMB/AML/KMR/TRN Reciprocal Space Charter and Sailing Agreement.

Parties:

Americas Container Line, Ltd.
Americas Container Line (Liberia) Corp.
Kommar Companhia Maritima S.A.
Transroll Navegacao S.A.

Synopsis: The proposed agreement would permit the parties to charter space from one another and to agree upon the number, size and types of vessels to be operated and to agree upon the number of sailings, schedules and ports called in the trade between ports in the American Continent.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

Dated: February 1, 1988.

[FR Doc. 88-2292 Filed 2-3-88; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88N-0039]

Drug Export; 'CONTAC' C Sustained Release Capsules

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that SmithKline Consumer Products has filed an application requesting approval for the export of the human drug 'CONTAC' C Sustained Release Capsules to Canada.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Rudolf Apodaca, Division of Drug Labeling Compliance (HFN-310), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8063.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21

U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that SmithKline Consumer Products, One Franklin Plaza, P.O. Box 8082, Philadelphia, PA 19101, has filed an application requesting approval for the export of the drug 'CONTAC' C Sustained Release Capsules to Canada. This product is indicated in the use for symptomatic relief of colds, hay fever, and sinusitis. The application was received and filed in the Center for Drug Evaluation and Research on January 15, 1988, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by February 16, 1988, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated 21 CFR 5.44.

Dated: January 25, 1988.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 88-2318 Filed 2-3-88; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Special Project Grants—Maternal and Child Health Services Federal Set-Aside Program

AGENCY: Health Resources and Services Administration, PHS, DHHS.

ACTION: Notice of potential availability of funds.

SUMMARY: The Bureau of Maternal and Child Health and Resources Development (BMCHRD), Health Resources and Services Administration (HRSA), announces that Fiscal Year (FY) 1988 funds are available for grants for the following activities: Special Maternal and Child Health (MCH) projects of regional and national significance (SFRANS) which contribute to the health of mothers, children, and children with special health care needs; MCH research; training in MCH; genetic disease testing, counseling and information services; and hemophilia diagnostic and treatment centers. Awards will be made under the program authority of section 502(a) of the Social Security Act (42 U.S.C. 702(a)), which is known as the MCH Federal set-aside program. HRSA, through this notice, invites potential applicants to request application packages for the particular grant category in which they are interested and then to submit their application for funding consideration. It is anticipated that approximately $20 million will be available to support new and competing renewal projects under the MCH Federal set-aside program.

DATE: Deadlines for receipt of applications differ for the several categories of grants; these deadlines are as follows:

(1) Research:
  (a) Cycle One: March 1, 1988;
  (b) Cycle Two: August 1, 1988;

(2) Training:
  (a) Long term training: March 23, 1988;
  (b) Continuing education: July 1, 1988;

(3) Genetic disease testing, counseling, and information: April 4, 1988;

(4) Hemophilia diagnostic and treatment centers: April 7, 1988;

(5) Special MCH improvement projects of regional and national significance (i.e., those which test or demonstrate the effectiveness of a given approach or technique) relevant to MCH care in three areas:
  (a) Children with special health care needs: April 21, 1988;
  (b) Maternal and infant health: April 11, 1988;
  (c) Child and adolescent health: April 25, 1988.

To receive consideration, applications must be sent to the Grants Management Officer at the address below, and must be received by the close of business on the dates indicated. Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for submission to the review committee. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be acceptable as proof of timely mailing.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to the Director, Office of Maternal and Child Health, BMCHRD, HRSA, Room 6-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Requests for grant application materials should be made in writing to the Grants Management Officer, Office of Program Support, BMCHRD, Room 11A-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Requests should specify the grant category or categories for which an application is requested so that the appropriate materials may be provided. Applicants for research projects will use Form PHS 398 approved by the Office of Management and Budget (OMB) under control number 0915-0098. Training project applications will be made using Form PHS 6025-1 approved by OMB under control number 0915-0060. Applicants for all other projects will use application Form PHS 5161-1 with revised facesheet DHHS Form 424 approved by OMB under control number 0348-0006.

SUPPLEMENTARY INFORMATION: Under section 502(a) of the Social Security Act, between 10 and 15 percent of the funds appropriated for Title V of the Act in each fiscal year are to be retained by the Secretary for the award of grants for the purposes specified above. Historically, the Secretary has set aside the full 15 percent each year. Support for projects covered by this announcement will come from these funds.

Consistent with the statutory purpose of improving maternal and child health, the Department will review applications for funds under the above mentioned categories as competing applications and will fund those which, in the Department's view, best promote improvements in maternal and child health care (for example, applications which enhance efforts to reduce the unacceptably high rates of infant

mortality, which increase the availability of and access to services for handicapped and chronically ill children and young adults, and which enhance the health and development of adolescents).

Eligible Applicants

The statute at section 502(a)(2) provides that training grants may be made only, to public or nonprofit private institutions of higher learning and that research grants may be made only to public or nonprofit institutions of higher learning or to public or nonprofit private agencies and organizations engaged in research or in maternal and child health or programs for children with special health care needs. Any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450b), is eligible to apply for grants for genetic disease testing, counseling and information; hemophilia diagnostic and treatment centers; and SPRANS.

The regulation implementing the Federal set-aside program was published in the March 5, 1986, issue of the **Federal Register** at 51 FR 7726 (42 CFR Part 51a).

Review Criteria

Applications for grants will be reviewed and evaluated according to:

1. The quality of the project plan or methodology.
2. The need for the services, research, or training.
3. The cost-effectiveness of the proposed project relative to the number of persons proposed to be benefited, served or trained, taking into consideration, where relevant, whether the proposed project is urban or rural and the special circumstances associated with providing care or training in various areas.
4. The extent to which the project will contribute to the advancement of maternal and child health and children with special health care needs.
5. The extent to which rapid and effective use of grant funds will be made by the project.
6. The effectiveness of procedures to collect the cost of care and services from third-party payment sources (including government agencies) which are authorized or under legal obligation to make such payments for any service (including diagnostic, preventive and treatment services).
7. The extent to which the project will be integrated with the administration of the Maternal and Child Health Services block grants and other block grants made to the appropriate State(s).
8. The soundness of the project's management, considering the qualifications of the staff of the proposed project and the applicant's facilities and resources.

Executive Order 12372

The MCH Federal set-aside program has been determined to be a program which is not subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs.

The OMB Catalog of Federal Domestic Assistance number is 13.110.

Date: January 8, 1988.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 88-2271 Filed 2-3-88; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-43-7122-10-DO17; CA-060-43-7122-10-DO46; and CA-060-43-7122-10-DO47]

Emergency Closure of Vehicle Routes in the East Mesa Known Geothermal Resource Area of Imperial County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Area and closure notice for vehicle routes of travel on public lands within the East Mesa Known Geothermal Resource Area, Imperial County, California.

SUMMARY: This closure notice affects newly constructed and/or recently upgraded roads in support of recent geothermal operations on East Mesa. These route closures were a prescribed mitigating measure in the decision documents for the following Geothermal Plans of Operation. All of these areas are located within Townships 15 and 16 North, Range 17 East, S.B.B.M. The following table summarizes these Plans and relevant data:

Plan No. POO-060-	Lease No. (CA-)	Operator's name	Approval date
85-03	966,967, 1903, 6217 and 17568.	Ormesa Geothermal.	06/05/85
86-04	17568	Ormesa Geothermal.	08/05/86
87-01	6218	East Mesa Partners.	05/08/87
87-02	Same as 85-03.	Ormesa Geothermal.	08/05/86
87-03	6219	GEO Operator Corporation.	04/14/87
87-04	6219	GEO Operator Corporation.	05/01/87
87-05	17568	Ormesa Geothermal.	06/05/87
87-07	6218	East Mesa Partners.	10/05/87
87-12	6219	GEO Operator Corporation.	08/27/87
87-13	6219	GEO Operator Corporation.	11/13/87

The purposes of this closure are:

to give protection to the habitat of the flat-tailed horned lizard (phrynosoma mcallii), a candidate species for inclusion on the list of threatened or endangered species, through controlling access where there was none before;

to protect other sensitive resources in or near the project areas;

to assist in revegetation of newly constructed roads that have been rehabilitated;

to minimize safety hazards to the public;

and, to minimize vandalism to geothermal facilities that has occurred.

For the same reasons, the following routes and wellsites associated therewith are also closed to all public camping.

The routes are described as follows:

1. From Evan Hughes Highway to wellsite 53-17;
2. From the main paved access to wellsite 42-16 (Federal lands only);
3. From wellsite 44-9 to route 2, above;
4. From the main paved access to wellsite 27-8;
5. From the main paved access to wellsites 18-5 and 58-5;
6. From the main paved access to wellsites 45-6, 84-1, 33-6, 21-6, inclusive;
7. From the main paved access to wellsites 14-5, 32-5 and 36-5, inclusive;
8. From a section line dirt road between sections 5 and 6 to wellsites 62-6, 21-6 and 71-1, inclusive;
9. From a section line dirt road between sections 31 and 32 to wellsite 88-31;
10. From the same section line road to wellsites 52-31, 74-31, 54-31, and 36-31;
11. From a section line road between section 29 and 32 to wellsite 18-28;

12. The west half of the section line road between sections 30 and 31;

13. An access road, west of the south entrance to the Ormesa I Power Plant to welsite 16–30;

14. An access road from north of the Ormesa I Power Plant to wellsites 74–30, 78–20, and 56–19;

15. An access road from the Ormesa I Power Plant to wellsite 52–29;

16. An access road from the southwest corner of section 30 to wellsite 16–30;

17. An access road from the center of the north section line of section 31 to wellsites 52–31, 54–31, 36–31, and 16–31.

The routes and area affected by this notice are being closed under the authority of 43 CFR 8364.1. This closure order was effective on January 16, 1988 and shall remain in effect until termination of the above referenced Plans of Operation, once removal of all facilities and acceptable rehabilitation of the surface has been completed.

Individual closed routes are signed closed. Gates on certain routes will be or have been installed. Vehicular access shall be permitted beyond the points of closure only to personnel operating under the authority of the above-referenced Plans of Operation; personnel associated with the geothermal lessee; public service, law enforcement officials or Bureau employees while acting on official duty and other specifically authorized persons. Maps showing the exact location of routes affected by this notice are available from the El Centro Resource Area, 333 South Waterman Avenue, El Centro, California 92243.

Any person who knowingly and willfully violates this closure order may be subject to a fine of up to $1,000 or imprisonment of up to 12 months, or both under authority of 43 CFR 8364.2.

FOR FURTHER INFORMATION CONTACT: Area Manager, El Centro Resource Area, 333 South Waterman Avenue, El Centro, CA 92243, (619)–352–5842.

Date: January 27, 1988.

H.W. Riecken,

Acting District Manager.

[FR Doc. 88–2256 Filed 2–3–88; 8:45 am]

BILLING CODE 4310–40–M

[NM–010–08–4121–02]

Albuquerque District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Albuquerque District Advisory Council meeting.

SUMMARY: The Bureau of Land Management's Albuquerque District Advisory Council will meet on Tuesday, March 1, 1988, at 10 a.m. in the BLM District Office Building located at 435 Montano N.E. in Albuquerque, New Mexico.

The purpose of this meeting is to allow the Council to be updated on several important issues in the Albuquerque District, including El Malpais National Conservation Area legislation, future management of Santa Cruz Lake Recreation Area, implementation of the Tri-Party Cooperative Agreement for Land Consolidation and Occupancy Resolution program with the Bureau of Indian Affairs and the Navajo Tribe, and the plans for a twenty-year celebration of the Wild and Scenic Rivers Act being planned at the Wild Rivers Recreation Area near Taos in June.

The Council will also take time to meet the new District Manager, Robert Dale, and discuss the future role of the District Advisory Council.

The meeting is open to the public and time will be provided for public comment. The Albuquerque District Advisory Council is managed in accordance with the Federal Land Policy and Management Act of 1976. Minutes of the meeting will be made available for review within 30 days following the meeting. For additional information, contact Alan Hoffmeister, Public Affairs Specialist, 435 Montano NE., Albuquerque, New Mexico 87107, (505) 766–4504.

Michael F. Reitz,

Associate District Manager.

[FR Doc. 88–2257 Filed 2–3–88; 8:45 am]

BILLING CODE 4310–FB–M

[AZ 020–41–5410–10–ZAED; A–23150]

Receipt of Conveyance of Mineral Interest Application; Albert J. Goulder

Notice is hereby given that pursuant to section 209 of the Act of October 21, 1976, 90 Stat. 2757, Albert J.Goulder has applied to purchase the mineral estate described as follows:

Gila and Salt River Meridian, Arizona

T. 11 N., R. 3 W.,
Sec. 8, Lots 1, 10, N½NE¼, NE¼SW¼, E½SE¼;
Sec. 9, W½, W½SE¼;
Sec. 17, Lot 2, SW¼NW¼;
Sec. 19, E½;
Sec. 20, W½, SE¼;
Sec. 21, W½;
Sec. 29, NW¼;
Sec. 30, NE¼.
Containing 2,158.63 acres, more or less.

Additional information concerning this application may be obtained from the Area Manager, Phoenix Resource Area, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Upon publication of this notice in the Federal Register, the mineral interests described above will be segregated to the extent that they will not be open to appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate either upon issuance of a patent or other document of conveyance of such mineral interests, upon final rejection of the application or two years from the date of filing of the application, December 30, 1987, whichever occurs first.

Henri R. Bission,

District Manager.

Date: January 22, 1988.

[FR Doc. 88–2258 Filed 2–3–88; 8:45 am]

BILLING CODE 4310–32–M

[OR–050–4410–10:GP8–058]

Prineville District Office; Limitations on Off-Road Vehicle Use on Public Lands Within Wilderness Study Areas

January 27, 1988.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340.

Use of motorized vehicles on the following lands under the administration of the Bureau of Land Management will be limited to existing roads and trails or closed in some instances under the Interim Management Policy and Guidelines for lands under wilderness review.

The area affected by the designations total 124,603 acres of public land in the Central Oregon and Deschutes Resource Areas located in Crook, Deschutes and Jefferson counties. Use by motorized vehicles on a total of 39,476 acres of public land in 4 additional WSAs in the northern portion of the Prineville District was previously designated as limited to existing roads and trails in the Two Rivers Resource Management Plan completed in June of 1986.

These designations are a result of conclusions reached in Environmental Assessment and Decision Record No. OR–050–7–39. Wilderness study areas totaling 124,603 acres will be managed in accordance with the nonimpairment criteria of the Wilderness Interim

Management Policy which allows off-road vehicle use to continue in the manner and degree on existing roads and trails where such use was occurring on October 21, 1976. The limited vehicle use designation will remain in effect until congressional release of WSAs, or if future use levels cause the nonimpairment criteria to be violated, in which case more restrictive designations may be made.

Public lands in the following wilderness study areas are designated as limited to existing roads and trails. In addition, there are some vehicle trails that are closed to motorized vehicle use (maps of these closures are available in the Prineville District Office):

WSA Unit No.	WSA name	Public land acres limited to existing roads and trails	Miles of trails [1] closed to vehicle use
OR-5-19	Steelhead Falls.	3,240	2
OR-5-21	Badlands	32,221	5
OR-5-31	North Fork	10,985	1
OR-5-33	South Fork	19,031	1.4
OR-5-34	Sand Hollow	8,791	0
OR-5-35	Gerry Mountain.	20,700	0
OR-5-42	Hampton Butte.	10,600	0
OR-5-43	Cougar Well	18,435	0
		124,603	9.4

[1] These trail locations will be signed.

Dated: January 28, 1988.

Donald L. Smith,

Acting District Manager.

[FR Doc. 88-2259 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-33-M

[CA-060-08-7122-10-1018; CA 20078]

Exchange of Public and Private Lands; Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty, CA.

SUMMARY: The Notice of Realty Action for land exchange casefile CA 20078, published in the Friday, July 17, 1987 edition of the **Federal Register** (Vol. 52, No. 137, Page 27065), is hereby amended by adding the following stipulation:

Lands being transferred out of Federal ownership will be subject to an eastment for the Colorado River Aqueduct, granted to the Metropolitan Water District by the State of California in Grant of Easement recorded December 21, 1933, in Book 146, Page 577, of the Official Records of Riverside County, California, affecting Lots 2, 3, 5, 11, and 13 of Section 36, T. 2S., R. 5E., San Bernardino Meridian.

For further information contact John Sullivan, Indio Resource Area (619) 323-4421. Information relating to the exchange is available for review at the California Desert District Office, 1695 Spruce Street, Riverside, CA 92507.

Date: January 27, 1988.

H.W. Riecken,

Acting District Manager.

[FR Doc. 88-2260 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-40-M

[NM-060-8-4220-90]

New Mexico; Intention To Prepare a Planning Area Analysis for a Landfill Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a planning area analysis for a landfill site.

SUMMARY: The Bureau of Land Management announces that it will prepare a Planning Area Analysis to allow for the sale of approximately two and one-half (2.5) acres to the County of Guadalupe, State of New Mexico, for use as a landfill site.

The Planning Area Analysis will be prepared by an Interdisciplinary Team represented by Realty, Wildlife, Archeological, and Planning Specialists.

Adjacent land owners, county and state officials will be notified of this proposal and will be asked to participate in the preparation of the Planning Area Analysis.

Other interested parties can provide comment or their concerns to the Area Manager by March 7, 1988.

ADDRESS: Copies of the Planning Area Analysis/Environmental Assessment will be available from the Roswell Resource Area, Bureau of Land Management, P.O. Drawer 1857, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Phil Kirk, Area Manager, Roswell Resource Area, P.O. Drawer 1857, Roswell, New Mexico 88220, Telephone (505) 887-6544.

SUPPLEMENTARY INFORMATION: The current landfill site for the Village of Pastrua, New Mexico was closed due to the expiration of the lease which was issued under the Recreation and Public Purposes Act (R&PP). Current BLM policy does not allow for leasing of public lands for landfill sites udner the R&PP Act. The Guadalupe County Commissioners upoon being notified of the site closure requested a replacement site be provided. The Roswell District BLM, using existing policy of the sale of small tracts of land for landfill sites, will prepare an Environmental Assessment and Planning Area Analysis for a replacement site. The replacement site will be in the vicinity of the Village of Pastura, Guadalupe County, State of New Mexico.

Monte G. Jordan,

Associate State Director.

Dated: January 29, 1988.

[FR Doc. 88-2296 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-FB-M

[UT-040-08-4830-12]

Cedar City District Advisory Council; Open Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Advisory Council will be held Saturday, March 12, 1988.

The meeting will begin at 9:30 a.m. in the BLM office at 225 North Bluff Street, St. George, Utah. The agenda will include: U.S. Fish and Wildlife Service proposal to build a barrier dam in the Virgin River to control the Red Shiner Minnow; domestic and Desert Bighorn Sheep disease transfer; North Creek Reservoir proposal; Dixie Resource Area land use planning; and National Public Lands Advisory Council tour. Those wishing to participate must provide their own transportation and lunch.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 9:45 a.m. or submit written comments for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 176 East D.L. Sargent Drive, Cedar City, Utah 84720 by March 9, 1988. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Dated: January 29, 1988.

Morgan S. Jensen,

District Manager.

[FR Doc. 88-2295 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-DQ-M

[NM-060-8-4410-90]

Availability of the Carlsbad Revised Proposed Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Revised Proposed Carlsbad Resource Management Plan (RMP) and

Notification of a 30-day comment/protest period.

SUMMARY: The Bureau of Land Management has prepared a Revised Proposed RMP for the Carlsbad Resource Area. This revised RMP is being issued to allow public review of changes made to the Proposed RMP/Final Environmental Impact Statement (EIS) issued in September 1986, due to the settlement of several protests received on the proposed plan. The EIS issued in September 1986 analyzed a full range of alternatives and their effects. The changes presented in the Revised Proposed RMP are within the spectrum of alternatives addressed in the Final EIS and, therefore, no further assessment is required. Only those items changed may be commented on or protested.

DATES: Comments must be postmarked or received by the Area Manager on or before March 14, 1988. Protests must be sent to the Director (760) and postmarked on or before March 14, 1988.

ADDRESSES: Copies of the Draft RMP/EIS, Proposed RMP/Final EIS, Supplement to the Final EIS, Proposed RMP and Revised Proposed RMP are available from the Carlsbad Resource Area, Bureau of Land Management, P.O. Box 1778, Carlsbad, NM 88220.

FOR FURTHER INFORMATION CONTACT: Dick Manus, Area Manager, Carlsbad Resource Area, P.O. Box 1778, Carlsbad, NM 88220, (505) 887-6544.

SUPPLEMENTARY INFORMATION: Modifications to the Proposed RMP occurred during the process of settling 17 protests received on the proposed plan. As a result of those changes this Revised Proposed Plan is a modified version of the RMP published in the Proposed RMP/Final EIS in September 1986 and supplemented in December 1986. Comments on the modifications are to be sent to the Area Manager, P.O. Box 1778, Carlsbad, NM 88220.

Protests must be sent to the Director (760), Bureau of Land Management, 18th and C Streets NW. Washington, DC, 20240, and must be postmarked on or before March 14, 1988. Procedures for filing a protest are listed in 43 CFR 1610.5-3. Only the modifications to the plan as presented in the "Summary of Plan Modifications" may be protested.

At the end of the 30-day comment/protest period, the revised proposed plan, excluding any portion under protest, will become the approved plan.

Dated: January 28, 1988.

Larry L. Woodward,

State Director.

[FR Doc. 88-2299 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-FB-M

[NM-940-08-4220-10; NM NM 28428, NM NM 27417]

Cancellation of Withdrawal Applications; NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation has cancelled two withdrawal applications for 120 acres of public lands in their entirety. All lands involved are in an existing Bureau of Reclamation withdrawal and will remain segregated from operation under the public land laws. The E½SE¼, sec. 16, T. 20 S., R. 26 E., NMPM, remains segregated from the mining laws, but has been and will remain open to applications and offers under the mineral leasing laws. The mineral estate on the remaining 40 acres is owned by the State of New Mexico.

EFFECTIVE DATE: February 4, 1988.

FOR FURTHER INFORMATION CONTACT: Kay Thomas, BLM, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87504-1449, 505-988-6589.

Withdrawal application NM NM 28428 for use in connection with the Brantley Dam and Reservoir Project was published in the **Federal Register** on August 6, 1976, page 32931, FR Doc. 76-22854, and republished on September 11, 1978, page 40320, FR Doc. 78-25351. The applicant agency has cancelled its application, in its entirety, for the following described lands:

New Mexico Principal Meridian

T. 20 S., R. 26 E.,
Sec. 16, E½SE¼.

The area described contains 80 acres in Eddy County.

Withdrawal application NM NM 27417 for use in connection with the Brantley Dam and Reservoir Project was published in the **Federal Register** on February 5, 1976, page 5325, FR Doc. 76-3442 and republished on July 21, 1977, page 37446, FR Doc. 77-20951. The applicant agency has cancelled its application, in its entirety, for the following described lands:

New Mexico Principal Meridian

T. 20 S., R. 26 E.,
Sec. 16, SW¼NW¼.

The area described contains 40 acres in Eddy County.

Larry L. Woodard,

State Director.

Dated: January 26, 1988.

[FR Doc. 88-2300 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-FB-M

[ES-030-08-4212-14; ES-00157-009; BLM-090810-LB]

Realty Action; Conveyance of Certain Public Lands in Oconto and Marinette Counties, Wisconsin

AGENCY: Bureau of Land Management, Interior.

ACTION: Conveyance of certain public lands on Oconto and Marinette Counties, Wisconsin.

SUMMARY: The following public land has been examined and found to be suitable for sale under Public Law 100-130, dated October 15, 1987, an Act to provide for the conveyance of certain public lands in Oconto and Marinette Counties, Wisconsin.

Fourth Principal Meridian, Wisconsin

T. 29 N., R. 21½ E.,

Marinette County

Sec. 1, (4.73 acres),
Sec. 12, (27.23 acres)

Oconto County

Sec. 13, (40.05 acres),
Sec. 24, (56.05 acres),
Sec. 25, (51.79 acres),
Sec. 36, (17.56 acres).

Containing approximately 197.41 acres more or less.

The above described lands were inadvertently omitted from conveyance or transfer out of Federal ownership due to surveying errors in the 19th century.

It has been determined that this conveyance is in the public interest and, will serve objectives which outweigh public objectives and values which would be served by retaining such lands in Federal ownership and, no other statutory authority exists whereby the Secretary may afford the appropriate relief.

The land is of no national significance and may be conveyed to any citizen of the United States who claims, and demonstrates possession of such portion of land. The land will be sold at its Fair Market Value less adjustment for equity values. This action is consistent with the policy of the Bureau of Land Management.

The patents(s) will be subject to all valid existing rights and reservations of record.

The publication of this Notice will segregate the subject lands from all appropriation except as to applications under the mineral leasing laws. Segregation will terminate upon issuance of a patent; or eighteen (18) months from the date of this notice; or upon publication of a notice of termination, whichever occurs first.

Comments: For a period of 45 days from the date of this notice, interested parties may submit comments to: District Manager, Milwaukee District Office, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201-0631. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this classification. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

For Further Information: Detailed information concerning this classification and conveyance is available for review at the Milwaukee District Office, Suite 225, 310 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203, or by calling Paulette Francis at (414) 291-4416.

Bert Rodgers,

District Manager.

[FR Doc. 88-2298 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-GJ-M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7340.

Title: Ferrous Metals Surveys.

Abstract: Respondents supply the Bureau of Mines with domestic production and consumption data on nonfuel mineral commodities. This information is published in Bureau of Mines publications including the Minerals Industry Surveys (MIS), Minerals Yearbook Volume I, II, and III, Mineral Facts and Problems, Mineral Commodity Summaries, Mineral Commodity Profiles, and Minerals and Materials/A Bimonthly Survey for use by private organizations and other government agencies.

Bureau Form Number: 6-1066-MA ET AL (14 Forms).

Frequency: Monthly and Annual.

Description of Respondents: Producers and Consumers of Ferrous Metals.

Annual Reponses: 8,006.

Annual Burden Hours: 4,173.

Bureau Clearance Officer; James T. Hereford (202) 634-1125.

January 26, 1988.

David S. Brown,

Deputy Director, Bureau of Mines.

[FR Doc. 88-2261 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-53-M

Minerals Management Service

Outer Continental Shelf Advisory Board, Gulf of Mexico Regional Technical Working Group; Meeting

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Gulf of Mexico Regional Technical Working Group (RTWG) meeting.

SUMMARY: Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92-463). The Gulf of Mexico RTWG meeting will be held March 8-10, 1988, at the Gulf of Mexico OCS Regional Office, Rooms 111 and 115, 1201 Elmwood Park Boulevard, New Orleans, Louisiana. Dates and times are as follows: March 8-9, 1988—9:00 a.m. to 4:30 p.m.; March 10, 1988—9:00 a.m. to 12:00 noon.

The RTWG business meeting will be held in conjunction with the Spring Ternary Studies Meeting. Tentative agenda items for the business meeting include:

Pipeline Regulations: Federal and State Corps of Engineers Projects

Review of Draft Regional Studies Plan FY 90

Abondoned Well Sites in Eastern Gulf of Mexico

FOR FURTHER INFORMATION CONTACT: This meeting is open to the public. Individuals wishing to make oral presentations to the Committee concerning agenda items should contact Eileen P. Angelico of the Gulf of Mexico OCS Regional Office at (504) 736-2959 by February 29, 1988. Written statements should be submitted by the same date to the Gulf of Mexico OCS Regional, Minerals Management Service, 1201 Elmwood Park Boulevard. New Orleans, Louisiana 70123. A taped cassette transcript and complete summary minutes of the Business Meeting will be available for public inspection in the Office of the Regional Director at the above address not later than 60 days after the meeting.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico is one of six such Committees that advises the Director of the Minerals Management Service on technical matters of regional concern regarding offshore prelease and postlease sale activities. The RTWG membership consists of representatives from Federal Agencies, the coastal States of Alabama, Florida, Louisiana, Mississippi, and Texas, the petroleum industry, the environmental community, and other private interest.

Dated: January 28, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-2301 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Hall-Houston Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Hall-Houston Oil Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 5739 and 7542, Blocks 22 and 34, Chandeleur Area, off-shore Louisiana and Mississippi. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on January 27, 1988. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m.

to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanyng Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Joseph; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: January 28, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-2302 Filed 2-3-88; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF JUSTICE

Lodging of Second Amendment to Consent Decree Pursuant to the Clean Air Act; LTV Steel Company, Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 14, 1988, a proposed Second Amendment to Consent Decree was lodged in *United States of America, et al. v. LTV Steel Company, Inc., et al.*, Civil Action Nos. 79-426-K, 79-1193-A, and 85-2333. The proposed Amendment concerns defendants' coke making facilities at their Pittsburgh Works, Pittsburgh, Pennsylvania, and Aliquippa Works, Aliquippa, Pennsylvania.

The Amendment requires defendants to demonstrate compliance at their Pittsburgh Works coke ovens with SIP limitations for coke oven doors, pushing operations, and combustion stacks. In addition, it requires defendants to install continuous emissions monitors on the combustion stacks. Finally, the Amendment requires that a detailed operating and maintenance program be implemented for the combustion stacks, and that strengthened air sampling and monitoring programs be instituted and the data retained.

As to defendants' Aliquippa Works, which is shut down, the Second Amendment prohibits the start-up of any of the coke oven batteries there without the use of a coke oven gas desulfurization unit. Finally, the Second Amendment requires defendants to pay $1,350,000 in civil penalties—$450,000 to the United States, and $450,000 to each of the intervening plaintiffs, the County of Allegheny and Commonwealth of Pennsylvania. Since defendants are now attempting to reorganize in bankruptcy, plaintiff and intervening plaintiffs have filed proofs of claim for the payment of these penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Second Amendment to Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States, et al. v. LTV Steel Company, Inc., et al.*, C.A. Nos. 79-426-K, 79-1193-A, and 85-2333 (W.D. Pa.), D.J. Ref. No. 90-5-2-1-161B and 90-5-2-1-851.

The proposed Second Amendment to Consent Decree may be examined at the Office of the United States Attorney, 633 U.S. Post Office and Courthouse Building, 7th & Grant Streets, Pittsburg, Pennsylvania 15219, and at the Region III office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pennsylvania 19107. Copies of the Second Amendment may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Second Amendment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $4.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-2303 Filed 2-3-88; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; Van Leer Containers, Inc. and Inland Steel Co.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on December 29, 1987, a proposed consent decree in *United States* v. *Van Leer Containers, Inc. and Inland Steel Company*, Civil Action No. C84-3136, was lodged with the United States District Court for the Northern District of Ohio. The proposed consent decree resolves a judicial enforcement action brought by the United States against Van Leer Containers, Inc. and Inland Steel Company for violations of the Clean Air Act.

The proposed consent decree requires Van Leer to achieve, demonstrate and maintain compliance with Ohio OAC Rule 3745-21-09(U)(1)(a)(v) for the steel drum interior spray booth and the drum parts coating station at Van Leer's steel drum manufacturing plant at 9612 Meech Avenue in Cleveland, Ohio. The proposed decree also requires Van Leer to pay a civil penalty of $12,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Van Leer Containers, Inc. and Inland Steel Company*, D.J. Ref. 90-5-2-1-718.

The proposed consent decree may be examined at the office of the United States Attorney, 1404 East Ninth Street, Cleveland, Ohio and at the office of Regional Counsel, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois.

Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section,

Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-2304 Filed 2-3-88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment Standards Administration

Advisory Committee on Special Minimum Wages; Meeting

A meeting of the Advisory Committee on Special Minimum Wages will be held in the Frances Perkins Building, Department of Labor, 200 Constitution Avenue NW., Washington, DC, on February 22 starting at 9:00 a.m. in Rooms S4215 A, B, and C.

The mission of the Advisory Committee is to provide guidance to the Department regarding the administration and enforcement of the Fair Labor Standards Act (FLSA) and other Federal minimum wage laws as they relate to the employment of individuals with disabilities whose productivity is impaired to the extent that these individuals are employed under certificates issued pursuant to section 14(c) of FLSA. Such certificates allow for employment at wage rates below the statutory minimum in order to prevent the curtailment of opportunities for employment.

Agenda items to be considered by the Advisory Committee include the Washington State Pilot Project (which provides for on-the-job evaluation of individuals with disabilities in competitive industry at no pay), proposed regulations to implement the 1986 Amendments to section 14(c) of FLSA, and findings of investigations of facilities holding certificates under section 14(c). Other items may be included on the agenda or introduced during the meeting.

The public is invited to attend this meeting. Written data, views, or arguments pertaining to the business before the Advisory Committee are invited. Such data, views, or arguments may be forwarded to the Advisory Committee Secretariat prior to the meeting or presented at the meeting.

Any inquiries concerning the meeting of the Advisory Committee may be directed to: Ms. Corlis L. Sellers, Secretariat for the Advisory Committee on Special Minimum Wages, Department of Labor, Room C4316, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210, telephone number (202) 523-8727. This is not a toll free telephone number.

Signed in Washington, DC, this 29th day of January, 1988.

Paula V. Smith,

Administrator, Wage and Hour Division.

[FR Doc. 88-2357 Filed 2-3-88; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

[TA-W-20,135 and TA-W-20, 245]

Adirondack Steel Casting Co., Inc. and Beth-Energy Mine Corp., Mine #78; Dismissal of Applications for Reconsideration

Pursuant to 29 CFR 90.18 applications for administrative reconsideration were filed with the Director of the Office of Trade Adjustment Assistance for workers at the Adirondack Steel Casting Company, Inc., Watervliet, New York and Beth-Energy Mine Corporation, Mine #78 Ebensburg, Pennsylvania. The reviews indicated that the applications contained no new substantial information which would bear importantly on the Department's determinations. Therefore dismissal of the applications were issued.

TA-W-20,135; Adirondack Steel Casting Company, Inc., Watervliet, New York (January 26, 1988)

TA-W-20,245; Beth-Energy Mine Corporation, Mine #78, Ebensburg, Pennsylvania (January 25, 1988)

Signed at Washington, DC this 27th day of January 1988

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 88-2365 Filed 2-3-88; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-87-118-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard (Amendment)

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed an amendment to a petition for modification. On April 28, 1987, Jim Walter Resources, Inc., submitted a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 4 Mine (I.D. No. 01-01247) located in Tuscaloosa County, Alabama. On May 27, 1987, MSHA published notice of this petition in the **Federal Register** (52 FR 19786), allowing interested parties 30 days to submit comments. On January 12, 1988, petitioner submitted a request to amend the originally submitted petition for modification. The amendment is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps be housed in fireproof structures.

2. Petitioner has dry type transformers which are located such that all entries close to them are maintained as intake airways. There are no return airways available for ventilating these transformers.

3. As an alternate method, petitioner proposes that:

(a) The dry type transformers will be enclosed in a fireproof metal structure;

(b) The electrical equipment will contain no flammable cooling liquid or flammable hydraulic oil;

(c) Grounded phase protective devices protecting three-phase equipment will be adjusted to remove incoming power at not more than 40 percent of the available fault current;

(d) No combustible materials will be stored or allowed to accumulate in the fireproof enclosure;

(e) A signal, activated by a suitable sensor, will be located so that it can be seen or heard by a responsible person;

(f) Fire-fighting equipment will be provided on the outside of the fireproof structure; and

(g) The electrical equipment will be examined weekly and maintained by a qualified electrician.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this amendment to the petition for modification may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before

March 7, 1988. Copies of the amendment and the original petition for modification are available for inspection at that address.

Dated: January 26, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-2362 Filed 2-3-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-175-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard (Amendment)

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed an amendment to a petition for modification. On July 8, 1987, Jim Walter Resources, Inc., submitted a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 7 Mine (I.D. No. 01-01410) located in Tuscaloosa County, Alabama. On August 10, 1987, MSHA published notice of this petition in the **Federal Register** (52 FR 29597), allowing interested parties 30 days to submit comments. On January 21, 1988, petitioner submitted a request to amend the originally submitted petition for modification. The amendment is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that underground transformer stations, battery-charging stations, substations, compressor stations, shops, an permanent pumps be housed in fireproof structures.

2. Petitioner has dry type transformers which are located such that all entries close to them are maintained as intake airways. There are no return airways available for ventilating these transformers.

3. As an alternate method, petitioner proposes that:

(a) The dry type transformers will be enclosed in a fireproof metal structure;

(b) The electrical equipment will contain no flammable cooling liquid or flammable hydraulic oil;

(c) Grounded phase protective devices protecting three-phase equipment will be adjusted to remove incoming power at not more than 40 percent of the available fault current;

(d) No combustible materials will be stored or allowed to accumulate in the fireproof enclosure;

(e) A signal, activated by a suitable sensor, will be located so that it can be seen or heard by a responsible person;

(f) Fire-fighting equipment will be provided on the outside of the fireproof structure; and

(g) The electrical equipment will be examined weekly and maintained by a qualified electrician.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this amendment to the petition for modification may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 7, 1988. Copies of the amendment and the original petition for modification are available for inspection at that address.

Dated: January 26, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-2363 Filed 2-3-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-163-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed an amendment to a petition for modification. On June 19, 1987, Jim Walter Resources, Inc., submitted a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 3 Mine (I.D. No. 01-00758) located in Jefferson County, Alabama. On July 24, 1987, MSHA published notice of this petition in the **Federal Register** (52 FR 27877), allowing interested parties 30 days to submit. On January 21, 1988, petitioner submitted a request to amend the originally submitted petition for modification. The amendment is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps be housed in fireproof structures.

2. Petitioner has dry type transformers which are located such that all entries close to them are maintained as intake airways. There are no return airways available for ventilating these transformers.

3. As an alternate method, petitioner proposes that:

(a) The dry type transformers will be enclosed in a fireproof metal structure;

(b) The electrical equipment will contain no flammable cooling liquid or flammable hydraulic oil;

(c) Grounded phase protective devices protecting three-phase equipment will be adjusted to remove incoming power at not more than 40 percent of the available fault current;

(d) No combustible materials will be stored or allowed to accumulate in the fireproof enclosure;

(e) A signal, activated by a suitable sensor, will be located so that it can be seen or heard by a responsible person;

(f) Fire-fighting equipment will be provided on the outside of the fireproof structure; and

(g) The electrical equipment will be examined weekly and maintained by a qualified electrician.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this amendment to the petition for modification may furnish written comments. These comments must be filed with the office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 7, 1988. Copies of the amendment and the original petition for modification are available for inspection at that address.

Dated: January 26, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-2364 Filed 2-3-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-270-C]

Great Western Coal (Kentucky) Inc.; Petition for Modification of Application of Mandatory Safety Standard

Great Western Coal (Kentucky) Inc., General Delivery, Coalgood, Kentucky 40818 has filed a petition to modify the application of 30 CFR 75.1101-1 (deluge-type water spray systems) to its No. 8 Mine (I.D. No. 15-14867) and its Soladay Mine (I.D. No. 15-15455) both located in Bell County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that deluge-type water spray systems consist of open nozzles attached to branch lines. The branch lines shall be connected to a waterline through a control valve operated by a fire sensor. Actuation of the control valve shall cause water to flow into the branch lines and discharge from the nozzles. Nozzles attached to the branch lines shall be full cone, corrosion resistant and provided with blow-off dust covers.

2. Petitioner states that each of the underground belt drives have a duel branch valve operated deluge-type water spray system. These systems are a part of the permanent belt installation and are affixed to the structure and ropes at the head belt drive locations. The belt drives are fully guarded and this enclosed the deluge systems as well. The deluge systems are activated at least weekly to ensure proper functioning. If the blow-off dust covers are in place during weekly testing the guards have to be removed which creates a hazard.

3. As an alternate method, petitioner proposes to perform weekly test of the deluge systems and record the results in lieu of installing and maintaining blow-off covers.

4. In support of this request, petitioner states that frequent operation and maintenance will prevent dust fouling and inhibit corrosion.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 7, 1988. Copies of the petition are available for inspection at that address.

Dated: January 26, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 87-2858 Filed 2-3-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-272-C]

Mount Vernon Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mount Vernon Coal Company, P.O. Box 566, Sesser, Illinois 15241 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Rend Lake Mine (I.D. No. 11-00601) located in Jefferson County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to clean out and plug oil and gas wells using specific techniques and specific procedures as outlined in the petition.

3. In addition, petitioner proposes to mine through the plugged oil or gas well. Prior to mining through, the petitioner would confer with the MSHA District Manager for approval of the specific mining procedures, and appropriate officials would be allowed to observe the process and all mining would be under the direct supervision of a certified official. In addition:

(a) Drivage sites would be installed; firefighting equipment, roof support and ventilated materials would be available;

(b) The quantity of air would be not less than 9000 cubic feet per minute to ventilate the face;

(c) Equipment would be checked for permissibility and serviced prior to mining through the well. The working place would be free from accumulations of coal dust and coal spillages, and rock-dusted to within 20 feet of the face;

(d) Methane monitors would be calibrated prior to the shift and tests would be made during mining approximately every 10 minutes; and

(e) When the wellbore is intersected, all equipment would be deenergized and safety checks would be made before mining would be made before mining would continue in by the well a sufficient distance to permit adequate ventilation around the area of the wellbore.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: January 26, 1988.

[FR Doc. 87-2359 Filed 2-3-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-283-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, of Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Bessie Mine (I.D. No. 01-00328) located in Jefferson County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that underground transformer stations, battery-charging stations, substations, compressor stations, shops and permanent pumps be housed in fireproof structures or areas.

2. Petitioner has electrical installations which are located such that all entries close to them are maintained as intake airways. There are no return airways available for ventilating these installations.

3. As an alternate method, petitioner states that—

(a) The electric equipment consist of dry type transformers which will be enclosed in a fireproof metal structure;

(b) The electrical equipment will be protected with thermal devices designed to remove incoming power. Grounded phase protective devices protecting

three-phase equipment will be adjusted to remove incoming power at not more than 40 percent of the available fault current;

(c) The electrical equipment will contain no flammable cooling liquid or flammable hydraulic oil;

(d) A signal, activated by a suitable sensor, will be located so that it can be seen or heard by a responsible person;

(e) Firefighting equipment will be provided on the outside of the fireproof structure; and

(f) The electrical equipment will be examined, tested and maintained by a qualified electrician on a weekly basis. The examinations will include the early warning system.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: January 26, 1988.

[FR Doc. 88-2360 Filed 1-3-88; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Amended Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts to be held on February 5, 1988 from 9:00 a.m. to 5:45 p.m.; February 6, 1988, from 9:00 a.m.-6:00 p.m.; and on February 7, 1988, from 9:00 a.m.-1:00 p.m. in Room M-09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506 has been changed. This notice clarifies the previous notice published in 53 FR 1422, January 19, 1988.

The portions of the meeting that were to be open to the public on February 5, 1988 from 9:00 a.m.-5:45 p.m., and on February 6, 1988 from 9:00 a.m.-4:30 p.m. have been changed. The new times will be February 5, 1988 from 9:00 a.m.-4:45 p.m. and February 6, 1988 from 10:00 a.m.-5:45 p.m. The topics for discussion will include Program Review and Guidelines for: Opera-Musical Theater, Music Ensembles, Arts in Education, Inter-Arts and the Endowment Fellows Program; the Endowment's Five-Year Planning Document; a Report on Special Constituencies Self Evaluation; and a Report on the Recording Industry.

The remaining sessions on February 5, 1988 from 4:45-5:45 p.m., February 6, 1988 from 9:00-10:00 a.m. and February 7, 1988 from 9:00 a.m.-1:00 p.m. are for the purpose of Council review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

January 29, 1988.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88-2265 Filed 2-3-88; 8:45 am]

BILLING CODE 7537-01-M

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluatioin and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (3) information the disclosure of which would significantly frustrate implementation of proposed agency action, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b Title 5, United States Code.

1. Date: February 22, 1988.
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review Interpretive Research Project applications for History, (European and Third World), submitted to the Division of Research Programs, for projects beginning after July 1, 1988.
2. Date: February 23, 1988.
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 315
   Program: This meeting will review applications submitted to the Tool and Access categories in the field of Music, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.
3. Date: February 25-26, 1988.
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 316-B
   Program: This meeting will review Interpretive Research Projects applications for Social Sciences submitted to the Division of Research Programs, for projects beginning after July 1, 1988.
4. Date: February 26, 1988.
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications submitted to the Access category in the field of Pre-Modern and Early Modern History, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.
5. Date: February 29, 1987.
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 315
   Program: This meeting will review

applications submitted to the Tools category in the field of History, Social Sciences and Philosophy, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.

6. *Date:* March 3–4, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted to the Access category in the field of American History, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.

7. *Date:* March 7–8, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted to the Tools category in the field of Linguistics, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.

8. *Date:* March 11, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted to the Access category in the field of Modern History and Social Science, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.

9. *Date:* March 14–15, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted to the Tools and Access categories concerning the use of automation technology, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.

10. *Date:* March 4, 1988.
Time: 9:00 a.m. to 5:00 p.m.
Room: 430
Program: This meeting will review applications for the U.S. Newspaper Program, submitted to the Office of Preservation, for projects beginning after July 1, 1988.

11. *Date:* March 7–8, 1988.
Time: 9:00 a.m. to 5:00 p.m.
Room: 430
Program: This meeting will review applications for Preservation Projects, submitted to the Office of Preservation, for projects beginning after July 1, 1988.

12. *Date:* February 29–March 1, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 316–2
Program: This meeting will review applications for Elementary and Secondary Education in the Humanities, submitted to the Division of Education Programs, for projects beginning after May 31, 1988.

Stephen J. McCleary,
Advisory Committee, Management Officer.

[FR Doc. 88–2350 Filed 2–3–88; 8:45 am]
BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Arkansas Power & Light Co. and Arkansas Nuclear One, Unit 1; Order Imposing Civil Monetary Penalty

[Docket No. 50–313, License No. DPR–51, EA 87–62]

I

Arkansas Power and Light Company (licensee) is the holder of Operating License No. DRP–51 issued by the Nuclear Regulatory Commission (NRC/Commission) on May 21, 1974. The license authorizes the licensee to operate Arkansas Nuclear One, Unit 1 in accordance with the conditions specified therein.

II

A routine safety inspection of the licensee's activities was conducted during February 1–28, 1987. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated June 25, 1987. The Notice stated the nature of the violation, the provision of the NRC's requirement that the licensee had violated, and the amount of the civil penalty proposed for the violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by Letter dated September 18, 1987 acknowledging the violation but requesting full mitigation of the proposed civil penalty.

III

After consideration of the licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order, that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Twenty-five Thousand Dollars ($25,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk Washington, DC 20555.

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, U.S Nuclear Regulatory Commission, Region IV, and a copy to the NRC Resident Inspector, Arkansas Nuclear One.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether the proposed civil penalty should be imposed, in whole or in part.

Dated at Bethesda, Maryland, this 26th day of January 1988.

For the Nuclear Regulatory Commission.

James M. Taylor,
Deputy Executive Director for Regional Operations.

Appendix—Evaluation and Conclusions

On June 25, 1987, a Notice of Violation and Proposed Imposition of Civil Penalty (NOV) was issued for the violation identified during an NRC inspection. Arkansas Power and Light Company responded to the Notice on September 18, 1987. In the response the licensee admits that the violation occurred as stated, but argues that certain factors provide a basis for full mitigation of the proposed civil penalty. The NRC's evaluation and conclusion regarding the licensee's arguments are as follows:

Restatement of Violation

Technical Specification 3.1.1.3 requires that both pressurizer code safety valves be operable when the reactor is critical. With one pressurizer code safety inoperable, either restore the valve to operable status within 15 minutes or be in Hot Shutdown within

12 hours. The associated basis for this technical specification states that the lift set point for the safety valve shall be set at 2500 psig ± 1 percent tolerance for error.

Contrary to the above, on December 21, 1986, pressurizer code safety valve PSV-1002 was found inoperable, a condition that likely existed since September 1985 and during which time the reactor was critical. The valve lift setpoint was at least 500 psi above the required 2500 psig ± 1 percent setpoint.

This is a Severity Level III violation (Supplement I).

Civil Penalty—$25,000.

Summary of Licensee's Response

The licensee concluded that the high lift setpoint likely occurred as a result of pressurizer code safety valve maintenance performed during an outage in September 1985, although its investigation of the activity did not identify specific personnel errors or procedural discrepancies.

The licensee presented background information in its response that each of the two pressurizer code safety valves is rated for total relief capacity of the system and that during the period from September 1985 to December 1986, reactor collant system overpressure protection was maintained with the one remaining operable pressurizer code safety valve. Background information was also provided describing the methods for testing the setpoints of the pressurizer code safety valves.

The licensee further described in its response a sequence of events that began on September 24, 1986, when ANO-2 experienced a reactor trip. During the post trip review of the transient, plant computer data indicated that one of the pressurizer code safety valves lifted prematurely. In-situ tests were conducted that confirmed that both ANO-2 pressurizer code safety valve setpoints were slightly below Technical Specification limits. Subsequently, in-situ testing of the recently installed Unit 1 pressurizer code safety valve was also conducted. Upon finding the setpoint on this Unit 1 valve to be slightly low, a test was performed on the other Unit 1 pressurizer code safety valve which had been in service since September 1985. This test revealed a very high setpoint, and the valve was adjusted and retested satisfactorily. The licensee indicated that this pressurizer code safety valve with the high setting had been refurbished and tested by the licensee onsite, while the other pressurizer code safety valves with the lower settings had been set and tested by an off site vendor. Because results of the preliminary investigation could not rule out mechanical failure, the licensee decided to replace the valve with the higher setting with a spare pressurizer code safety valve.

The licensee described the short-term root cause investigation, and because the results of the short-term investigation were inconclusive, the licensee contracted a third party to assist with the investigation efforts. After describing the detailed efforts of the third party investigation, the licensee concluded that no factor was identified which would have resulted in the anomalous condition. Therefore, the licensee stated that "the reason for the violation is unknown."

The licensee discussed the corrective steps that have been and will be taken. These included the replacement of the safety valve in December 1986, even though the valve setpoint had been adjusted within tolerance. The licensee also pointed to program improvements made prior to the finding of the inoperable valve and not as a result of the event. As a result of the event, procedure changes are being made to increase Quality Control involvement in safety valve testing and maintenance (pressurizer and main steam system code safety valves), development of management guidelines for handling safety-related equipment found to be in an abnormal condition, and an additional Quality Assurance program review based on the results of the root cause investigation.

NRC Evaluation of Licensee's Response

The licensee's response did not dispute the classification of the violation as a Severity Level III or the findings related to pressurizer code safety valve maintenance and testing documentation and procedural deficiencies discussed in NRC Inspection Report 50-313/87-05 and in the Notice of Violation and Proposed Imposition of Civil Penalty dated June 25, 1987. The licensee's root cause investigation, though extensive, did not identify a specific factor which would have resulted in the high lift setpoint.

Based on the licensee's description of the event, the licensee's actions appear to be acceptable. The actions include short-term corrective actions associated with the pressurizer code safety valve high setpoint condition, including plant cooldown to replace the pressurizer code safety valve in December 1986, safety valve disassembly for inspection, site records and industry experience review, specific site and vendor procedures review, review of work performed in September 1985, and discussions with personnel.

The licensee's description of the short-term and long-term corrective actions regarding the program and procedure improvements associated with the pressurizer code safety valves, the main steam system code safety valves, and other safety-related equipment to improve the overall performance of safety-related activities are acceptable, and were necessary to correct the identified problems.

Summary of Licensee's Request for Mitigation of Civil Penalty

The licensee requested full mitigation of the proposed civil penalty based on the facts that the condition was identified because of its initiative to investigate a maintenance problem, the condition was promptly reported, corrective actions had been taken to address related issues prior to identification of the condition, maintenance and quality program improvements were already underway due to management initiatives already in place, there was adequate margin of capacity with one safety valve operable, and the funds expended investigating possible generic implications have eliminated the need to impose a monetary penalty.

NRC Evaluation of Licensee's Request for Mitigation

In accordance with the NRC's General Statement of Policy and Procedure for Enforcement Actions, the following matters are appropriately considered in determining whether to mitigate (or escalate) a civil penalty:

1. Prompt Identification and Reporting

The NRC staff acknowledges that once the licensee became aware of the problem it was promptly reported. However, because of the duration of the problem and the fact that proper QC checks would have provided the licensee opportunities to identify the problem earlier mitigation under this factor is not appropriate.

2. Corrective Action to Prevent Recurrence

The licensee's corrective action to prevent recurrence is not considered extensive in view of the significance of the identified problems. The NRC expects its licensees to aggressively pursue correction or identified findings. These actions were particualrly necessary because the licensee's previous corrective actions regarding similar problems (SALP Category 2 in maintenance during 1984-1985) were not fully effective. After readjustment of the pressurizer code safety valve to within

tolerance, the licensee elected to cool down the unit and replace the valve since the short-term investigation did not rule out mechanical failure as a cause for high setpoint. The NRC staff considers this action by the licensee to be prudent and conservative but expected, due to the importance of the reactor system code safety valves to protect the integrity of the reactor coolant system, a fission product boundary. Further, the expenditure of funds deemed appropriate by the licensee to investigate possible generic implications of such a significant problem is considered, by the NRC staff, to be part of the necessary corrective actions.

3. Past Performance

The base civil penalty was originally mitigated by 50% due to generally good past performance in the maintenance area as demonstrated by some improvement in the SALP ratings from Category 3 to Category 2. The NRC staff believes that further mitigation for improving performance would be inappropriate given that performance level is still categorized as satisfactory.

4. Prior Notice of Similar Events

Escalating factor only.

5. Multiple Occurrences

Escalating factor only.

NRC Conclusion

The NRC staff concludes that in order to emphasize the importance of providing appropriate controls during plant operations and maintenance including verification of safety valve operability, it is not appropriate to fully mitigate the civil penalty. Accordingly, the proposed civil penalty in the amount of Twenty-five Thousand Dollars ($25,000) should be imposed.

[FR Doc. 88-2312 Filed 2-3-88; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-324]

Carolina Power & Light Co., Brunswick Steam Electric Plant, Unit 2; Exemption

I

Carolina Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-62, which authorizes operation of the Brunswick Steam Electric Plant, Unit 2 (Brunswick or the facility). The license, provides, among other things, that the facility is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor located at the licensee's site in Brunswick County, North Carolina.

II

By letter dated August 17, 1987, the licensee requested an exemption from the requirements of 10 CFR 50.62(c)(4), which establishes the minimum injection flow rate and the boron concentration for the standby liquid control system (SLCS).

Specifically, 10 CFR 50.62(c)(4) requires that each boiling water reactor must have a SLCS with minimum flow capacity equivalent in control capacity to 86 gallons per minute (gpm) with a boron concentration of 13 weight percent sodium pentaborate. The licensee requests an exemption from this requirement to permit use of a minimum flow rate of 66 gpm and a sodium pentaborate concentration of 13 weight percent.

The requirement established by the regulation was intended to provide for prompt injection of negative reactivity into a boiling water reactor pressure vessel in the event of an anticipated transient without scram (ATWS) event. The reactor vessel size used to establish the required flow rate of 86 gpm and the sodium pentaborate concentration of 13 weight percent was the large 251-inch diameter vessel used in the BWR/5 and BWR/6 designs. The Brunswick Unit 2 reactor has a much smaller, 218-inch diameter, vessel. For the Brunswick reactor, a lesser flow rate will provide adequate shutdown margin in an ATWS event, equivalent to that called for by the regulation for the larger 251-inch diameter boiling water reactor vessel. Refer to Generic Letter 85-03, "Clarification of Equivalent Control Capacity for Standby Liquid Control Systems," January 28, 1985.

III

In this case, the injection flow rate and boron concentration will provide the equivalent level of control capacity for the smaller Brunswick reactor pressure vessel as that called for by the rule based on larger reactor pressure vessels. Requiring Brunswick to provide the flow rate-boron concentration capacity specified by the rule would not, in these particular circumstances, serve the underlying purpose of the rule. The purpose of the rule is to reduce the risk from ATWS events by ensuring adequate shutdown margin. Thus the Commission's staff finds that there are special circumstances in this case which satisfy the standards of 10 CFR 50.12(a)(2)(ii)

IV

The licensee provided a determination that special circumstances exist under 10 CFR 50.12(a). As discussed above, the underlying purpose of the requirements of paragraph (c)(4) of 10 CFR 50.62 is to ensure adequate shutdown margin in an ATWS event. The underlying purpose is achieved and served by an injection rate of 66 gpm of 13 weight percent sodium pentaborate solution.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12(a), the Exemption, as described in Section III, is authorized by law and will not present an undue risk to the public health and safety and is consistent with common defense and security, and special circumstances are present for the Exemption, in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of 10 CFR 50.62(c)(4). Therefore, the Commission hereby grants the Exemption from paragraph (c)(4) of 10 CFR 50.62 to allow the use of an SLCS injection flow rate of 66 gpm of 13 weight percent sodium pentaborate solution.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (53 FR 2551). This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 28th day of January 1988.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-2313 Filed 2-3-88; 8:45 am]
BILLING CODE 7590-01-M

PHYSICIAN PAYMENT REVIEW COMMISSION

Meeting

AGENCY: Physician Payment Review Commission.

ACTION: Notice of Public Meeting.

SUMMARY: The Physician Payment Review Commission will hold a public meeting on Thursday, February 11, 1988, from 9:00 a.m. to 5:00 p.m. and on Friday, February 12, 1988, from 8:30 a.m. to 1:00 p.m. The meeting will he held in the West End C and D rooms of the Washington Marriott Hotel, 1221—22nd Street NW. The agenda for the meeting will include the following topics: Geographic variation in fees, specialty differentials, fee schedules for

diagnostic services with little input by physicians, expenditure trends, practice guidelines, utilization review, expenditure targets, capitation and improvements in Medicare data. Other topics may be covered, if time permits.

ADDRESSES: The Commission Office is located in Suite 510, 2120 L Street NW., Washington, DC. The telephone number is 202/653-7220.

FOR FURTHER INFORMATION CONTACT: Lauren LeRoy, Deputy Director, 202/653-7220.

Paul B. Ginsburg,

Executive Director.

[FR Doc. 88-2305 Filed 2-3-88; 8:45 am]

BILLING CODE 6820-SE-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for the Office of Management and Budget Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget (OMB) for review and approval.

Summary of Proposal(s)

(1) *Collection title*: Pension Reports.

(2) *Form(s) submitted:* G-88p.

(3) *Type of request*: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) *Frequency of use*: On occasion.

(5) *Respondents*: Businesses or other for-profit.

(6) *Annual responses*: 3,300.

(7) *Annual reporting hours:* 440.

(8) *Collection description*: The RRA provides for payment of a supplemental annuity to a qualified retirement annuitant based on age, length of railroad service and a current connection with the railroad industry. The collection obtains information from the annuitant's employer to be used in determining entitlement to and the amount of annuity applied for.

Additional Information or Comments:

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Elaina Norden (202-395-7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information Resources Management.

[FR Doc. 88-2306 Filed 2-3-88; 8:45 am]

BILLING CODE 7905-01-M

Agency Forms Submitted for the Office of Management and Budget Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget (OMB) for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Certification Regarding Rights to Unemployment Benefits.

(2) *Form(s) submitted:* UI-45.

(3) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) *Frequency of use:* On occasion.

(5) *Respondents:* Individuals or households, Businesses or other for-profit.

(6) *Annual responses:* 8,500.

(7) *Annual reporting hours:* 999.

(8) *Collection description:* In administering the disqualification for the voluntary leaving work provision of section 4 of the Railroad Unemployment Insurance Act, the Railroad Retirement Board investigates an unemployment claim indicating the claimant left work voluntarily. The certification obtains information needed to determine whether the leaving was with good cause.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Elaina Norden (202-395-7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information Resources Management.

[FR Doc. 88-2307 Filed 2-3-88; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25295; File No. SR-NYSE-87-42]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange

The New York Stock Exchange, Inc. ("Exchange" or "NYSE") submitted on November 30, 1987, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") 15 U.S.C. section 78(b)(1) and Rule 19(b)(4) thereunder to effect rate increases for initial and continuing equity listing fees, to be effective as of January 1, 1988.

Notice of the proposal together with its terms of substance was given by the issuance of a Commission release (Securities Exchange Act Release No. 25231, December 29, 1987) and by publication in the **Federal Register** (53 FR 192). No comments were received concerning the proposal.

The proposal would, among other things, increase the original listing fee for issuers from $33,200 to $34,700.[1] In its filing, the NYSE indicates that the fee increases are intended, in part, to offset increased costs of supplying services provided by the Exchange to list the shares of issuers.

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6. Specifically, we believe that the proposed increases are consistent with section 6(b)(4) of the Act which envisions the equitable allocation of reasonable dues, fees, and other charges among Exchange members and other persons using its facilities.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of

[1] The other fee increases include increases in charges of initial listings, additional listings of shares, and continued listing fees. These fees are based on a graduated scale based on the number of shares issued.

publication of notice thereof, in that the NYSE needs to implement the fee increases as soon as possible in order to incorporate the changes into its next billing cycle. Accordingly, the Commission believes that the proposed rule change should be approved as submitted.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and is, hereby approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: January 28, 1988.

[FR Doc. 88-2346 Filed 2-3-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25299; File No. SR-OCC-87-19]

Self-Regulatory Organization; Filing and Immediate Effectiveness of Proposed Rule Change of Options Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice if hereby given that on November 19, 1987, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

The proposal amends OCC's By-Laws to clarify the application of amended Article 8 of the Delaware Uniform Commercial Code ("Article 8") to non-equity options. A previous filing (File No. SR-OCC-83-20) approved by the Commission clarified the application of Article 8 to options issued by OCC. However, the filing did not make clear that this included non-equity as well as equity options. This filing amends OCC's By-Laws to clarify this.

OCC states that the proposed rule change is consistent with the purposes and requirements of section 17A of the Securities Exchange Act of 1934, (the "Act") as amended, in that it would protect investors and the public interest by clarifying the applicability of Article 8 to non-equity options.

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submission should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number in the caption above and should be submitted by February 25, 1988.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: January 29, 1988.

[FR Doc. 88-2347 Filed 2-3-88; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-9171]

Issuer Delisting; Application to Withdraw From Listing and Registration; Moto-Photo, Inc.

January 29, 1988.

Moto-Photo, Inc. ("Company") (Common Stock, $.01 Par Value; $1.20 Cumulative Convertible Preferred Stock, Par Value $.01), has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the Philadelphia Stock Exchange, Inc. ("Phlx").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

The Board of Directors of the Company has determined that the annual listing fee and other filing and notification requirements are burdensome in light of the lack of trading activity of the Company's stock on the Phlx. Both of the Company's above specified securities are currently traded on the National Association of Securities Dealers Automated Quotations System ("NASDAQ"). In addition, the Company's Board of Directors has directed the Company's officers to apply for listing of the Company's stock on the NASDAQ/National Market System. The Company believes that holders and purchasers of its stock will not be adversely affected by the withdrawal of its listing from the Phlx.

Any interested person may, on or before February 22, 1988, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-2348 Filed 2-3-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16243; 812-6818]

The Royal Bank of Scotland Group plc; Application

January 29, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940").

Applicant: The Royal Bank of Scotland Group plc.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from the provisions of the 1940 Act.

Summary of Application: Applicant seeks an order permitting it to issue and sell in the United States its debt and equity securities.

Filing Date: The application was filed on August 14, 1987, and amended on September 9, 1987, and January 19, 1988. A third amendment will be filed during

the notice period the substance of which is contained herein.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on February 22, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, attorneys, by certificate. Request notification of the date of hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549 Applicant, c/o Bruce W. Nichols, Esq., Davis Polk & Wardwell, 1 Chase Manhattan Plaza, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Sherry A. Hutchins, Staff Attorney (202) 272-3026, or Brion R. Thompson, Special Counsel (202) 272-3016, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations and Undertakings

1. Applicant is a holding company, incorporated in Great Britain and registered in Scotland, which provides a comprehensive range of commercial banking and other financial services through its principal subsidiary and associated companies (together with Applicant, the "Group"). Applicant's principal subsidiary, The Royal Bank of Scotland plc (the "Bank"), maintains an extensive network of branches in the United Kingdom and also maintains branches, subsidiaries or representative offices in a number of other countries.

2. The Group constitutes the largest banking group based in Scotland, with total consolidated assets of approximately 16.6 billion pounds sterling and total consolidated deposits of approximately 14.3 billion pounds sterling at September 30, 1986. As of September 30, 1986, the rate of exchange was $1.4468 to one pound sterling. More than 72% of the Group's consolidated operating profits for the financial year ended September 30, 1986 were attributable to retail and commercial banking activities conducted by the Bank. Applicant states further that, like most United States banking groups, the Group's principal business consists of receiving deposits and making loans and its operating revenue is derived principally from interest on loans.

3. The Bank of England, the central bank of the United Kingdom, exercises general supervision over all deposit-taking institutions in the United Kingdom in a manner similar to the central banks of most European countries and the United States. The Bank is a "recognized bank" for purposes of the United Kingdom Banking Act 1979 (the "1979 Act"). The 1979 Act established a licensing and recognition system under which deposit-taking institutions in the United Kingdom must be licensed by the Bank of England, and must meet general statutory criteria of prudential management. The bank regulatory system currently existing in the United Kingdom will be significantly revised when the Banking Act 1987 (the "1987 Act") becomes effective and thereby replaces the 1979 Act. The 1987 Act will create a category of "authorized institutions" which must meet certain statutory criteria, including that directors, managers and controlling persons be "fit and proper persons", and which will be subject to extensive power by the Bank of England to make investigations into the business, ownership and control of such institutions. Applicant states that United Kingdom banks file regular, detailed reports and periodic statistical returns as prescribed by the Bank of England, and that Applicant's senior executives are in close consultation with the Bank of England.

4. The Bank's most significant presence outside the United Kingdom is in the United States, where it maintains a branch and representative office in New York City, an agency and representative office in San Francisco and representative offices in Chicago, Houston and Los Angeles. The Group's operations in the United States subject the Bank, and to a more limited extent, Applicant to supervisory authority of the Board of Governors of the Federal Reserve System ("Board") and subject the Bank to supervisory authority of the Banking departments of the states of New York and California, and to a more limited extent, Illinois and Texas. In addition, Applicant is subject to federal reporting requirements under the Bank Holding Company Act of 1956, and the United States branches, offices and agencies of the subsidiary are subject to reporting and examination requirements under the International Banking Act of 1978, which are similar to those imposed on domestic banks that are members of the Board.

5. Applicant requests an exemption from all provisions of the 1940 Act to issue and sell, in the United States, both its equity and debt securities. Applicant proposes to issue and sell its equity securities directly or in the form of American depositary shares represented by American depositary receipts ("ADRs"). Applicant further proposes to issue and sell debt securities, including commercial paper notes and other short and long term debt instruments. Applicant's principal subsidiary, the Bank, is currently operating under an SEC exemptive order permitting it to issue commercial paper and other debt securities in the United States (Investment Company Act Rel No. 13651, November 30, 1983).

6. Applicant undertakes that any public offering of its equity securities, or of ADRs representing its equity securities, in the United States, will take the form of a public offering registered under the Securities Act of 1933 ("1933 Act"). Applicant will, prior to any such public offering of its equity securities or ADRs file with the SEC a registration statement or registration statements with respect to such publicly offered securities. Applicant will not sell its equity securities or ADRs in any such public offering until such registration statements are declared effective by the SEC. Furthermore, Applicant will comply with the prospectus delivery requirements of the 1933 Act in connection with any such public offering.

7. Applicant undertakes that any private offering of its equity securities in the United States will be structured to comply with the exemption from registration afforded by section 4(2) of the 1933 Act or Regulation D thereunder. Applicant undertakes that it would not offer, issue or sell such equity securities unless it has received an opinion of its United States legal counsel to the effect that, under the circumstances of the proposed offering, such equity securities would be entitled to such exemption from registration. Such an offering would be made only to a limited number of sophisticated institutional investors or other investors as permitted by Regulation D, and would provide for the delivery to such investors of information concerning the Applicant, its business and the securities being offered.

8. Any offering of the Applicant's commercial paper or other debt securities with original maturities of less

than nine months ("Commercial Paper") in the United States would be structured to comply with either the exemption from registration afforded by section 3(a)(3) of the 1933 Act or the exemption afforded by section 4(2) of the 1933 Act or Regulation D thereunder. Applicant undertakes that it would not offer, issue or sell Commercial Paper in the United States unless it has received an opinion of its United States legal counsel to the effect that, under the circumstances of the proposed offering, such Commercial Paper would be entitled to one of such exemptions from registration. In the case of an offering in the United States by the Applicant of Commercial Paper, such offering would be made by one or more commercial paper dealers on behalf of the Applicant to a limited number of sophisticated institutional investors and other investors who ordinarily participate in the commercial paper market. While an announcement of the establishment of such a commercial paper facility may be made as a matter of record, such offerings will not be advertised or otherwise offered for sale to the general public.

9. Applicant undertakes to obtain from each such commercial paper dealer an undertaking that there will be provided by the dealer to each offeree who has indicated an interest in such Commercial Paper, and prior to the sale of any of such Commercial Paper, a memorandum that describes (i) the business of the Group and (ii) contains the audited financial statements of the Group of the type contemplated in connection with the Applicant's proposed public offering and sale in the United States of its equity securities. The memorandum would highlight the material differences between United Kingdom generally accepted accounting principles applicable to United Kingdom clearing banks and United States generally accepted accounting principles applicable to United States banks. The aforementioned memorandum will be at least as comprehensive as those customarily used in commercial paper offerings in the United States, and such memorandum will be updated periodically to reflect material changes in the Applicant's business and financial condition.

10. Any offering of Commercial Paper of the Applicant with maturities of nine months or longer ("long-term debt securities") would either (i) be structured as a private placement which complies with section 4(2) of the 1933 Act or Regulation D in the manner and which is accompanied by an offering memorandum of the type described above, or (ii) would be made in the form of one or more public offerings subject to all of the registration, prospectus delivery and other requirements of the 1933 Act described above in connection with a public offering in the United States of the Applicant's equity securities. In addition, any long-term debt securities offered to the public would be issued under an indenture complying with and qualified under the Trust Indenture Act of 1939.

11. In addition, the Applicant undertakes that any such offering of Commercial Paper and long-term debt securities shall have received prior to issuance one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization. Applicant's counsel confirmed that receipt of such ratings will be certified by Applicant's legal counsel in the United States.

12. Applicant undertakes to submit expressly to the jurisdiction of New York State and United States Federal courts sitting in New York City for the purpose of any suit, action or proceeding arising out of its securities in the United States, and, in that connection, will appoint a corporation with an office in New York City engaged in providing corporate services for lawyers as agent to accept service of process in any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable for as long as any of Applicant's securities issued in reliance upon being sought herein are outstanding in the United States. No such admission to jurisdiction or appointment of agent for service of process will affect the right of any holder of such securities to bring suit in any court which may have jurisdiction over Applicant by virtue of the offer and sale of the securities or otherwise. The agent for service of process will not be a trustee for the holders of any securities or have any responsibilities or duties to act for such holders as would a trustee.

13. Applicant undertakes that it will not make any offering of its securities in the United States in reliance upon the proposed order of exemption if either: (1) The Bank ceases to be regulated as a commercial bank in the United Kingdom, or (2) the Bank ceases to be subject to banking regulation in the United States. Applicant also represents that (a) it has no present intention of causing the Bank to withdraw its presence in the United States that subjects the Bank and the Applicant to banking regulation in the United States and (b) it has no present intention of causing the Bank to limit its presence in the United Kingdom that subjects the Bank and the Applicant to regulation as a commercial bank in the United Kingdom.

Applicant's Legal Analysis

1. Applicant asserts that the proposed exemption is necessary or appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1940 Act. Applicant submits that the exemption will advance the policies underlying certain United States laws of nondiscriminatory treatment of foreign banks in the United States. Applicant states that access to the United States investment market for its securities will provide Applicant with a new source of capital which constitutes an important element of any banking group's capital structure. Applicant also asserts that the proposed exemption will benefit the general public as well as institutional and other sophisticated investors in the United States by making Applicant's securities available to such investors.

2. Applicant also states that purchasers of Applicant's securities in the United States will have the benefit of the United States securities laws that provide for the protection of investors. Applicant specifically states that its securities either will be registered under the 1933 Act or will be offered pursuant to one of the exemptions contained therein. Applicant states further that the antifraud provisions of the Securities Exchange Act of 1934, as amended, will also apply to its proposed offering of securities.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-2349 Filed 2-3-88; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Agreement on Government Procurement; Value of Special Drawing Rights

Under the authority delegated to the United States Trade Representative by sections 1-104 and 1-201 of Executive Order 12260, I hereby determine that effective on February 14, 1988, the amount of Special Drawing Right units referred to in the Agreement on Government Procurement and section 1-104 of Executive Order 12260 is 130,000, and that the dollar equivalent of such amount is $156,000. The $171,000 amount

announced effective January 1, 1987, shall remain in effect through February 13, 1988.

This determination may be modified as appropriate.

Alan F. Holmer,

Acting United States Trade Representative.

[FR Doc. 88-2294 Filed 2-3-88; 8:45 am]

BILLING CODE 3190-01-M

Agreement on Government Procurement; Effective Date of Amendments

SUMMARY: For purposes of U.S. Government procurement that is covered by Title III of the Trade Agreements Act of 1979, the effective date of the amendments to the Agreement on Government Procurement, General Agreement on Tariffs and Trade, is February 14, 1988.

EFFECTIVE DATE: February 14, 1988.

FOR FURTHER INFORMATION CONTACT: Beverly Vaughan ((202) 395-3063), Director, International Government Procurement Policy, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506.

SUPPLEMENTARY INFORMATION: Executive Order 12260 (December 31, 1980) implemented the Agreement on Government Procurement pursuant to Title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511-2518) and section 301 of Title 3 of the United States Code. Section 1-201 of Executive Order 12260 delegated to the United States Trade Representative the functions vested in the President by sections 301, 302, 304, 305(c) and 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2511, 2512, 2514, 2515(c) and 2516).

By November 16, 1987, final acceptance of certain amendments was notified by all the parties to the Agreement on Government Procurement. Effective February 14, 1988, all references in Title III of the Trade Agreements Act of 1979 and in Executive Order 12260 to the Agreement on Government Procurement shall refer to the Agreement as amended. Copies of the Protocol Amending the Agreement on Government Procurement may be obtained from the Office of Public Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506 ((202) 395-3230).

Alan F. Holmer,

Acting United States Trade Representative.

[FR Doc. 88-2293 Filed 2-3-88; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Walker County, AL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Walker County, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. W. R. Van Luchene, District Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104-4684, Telephone: (205) 832-7379. Mr. Royce G. King, State of Alabama Highway Department, 1409 Coliseum Boulevard, Montgomery, Alabama 36130, Telephone: (205) 261-6311.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department, will prepare an Environmental Impact Statement for Alabama Project APD-471(3). The proposal is to construct, on new location, a modern highway from U.S. Route 78 approximately six miles west of Jasper to the Walker/Jefferson County line. The project will be a four-lane divided roadway with an approximate length of 28 miles.

The proposal is a segment of Corridor "X" in the Appalachian Development Highway Program. Corridor "X," a freeway-type facility, when completed will extend from near Fulton, Mississippi, to Birmingham, Alabama. The modern multi-lane highway will improve access and induce economic growth to this Appalachian area.

Alternatives under consideration include: (1) alternate route locations, (2) a no action alternative, and (3) postponing the action.

A Public Involvement Meeting has been held to acquire local input on the proposed projects. Written comments have been solicited from Federal, State and local agencies, officials and individuals who may have an interest in the proposal. A Scoping Meeting is to be held in the auditorium of the Jasper Chamber of Commerce Building, 1707 Second Avenue, Jasper, Alabama, at 1:30 p.m. Central Standard Time on March 2, 1988.

To ensure that the full range of issues related to this proposed action is addressed and all significant issue identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 22, 1988.

W. R. Van Luchene,

District Engineer, Montgomery, Alabama.

[FR Doc. 88-2308 Filed 2-3-88; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Announcing the Second Meeting of the Motor Vehicle Safety Research Advisory Committee

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the second meeting of the Motor Vehicle Safety Research Advisory Committee (MVSRAC). The committee was established in accordance with the provisions of the Federal Advisory Committee Act to coordinate motor vehicle safety research and avoid duplication of effort. This meeting will seek to identify the specific research activities that the Committee will initially address.

DATE AND TIME: The meeting is scheduled to begin at 10:00 a.m., on February 23, 1988, and conclude on February 24.

ADDRESS: The meeting will be held in Room 2230 of the U.S. Department of Transportation Building, which is located at 400 Seventh Street SW., Washington, DC.

SUPPLEMENTARY INFORMATION: In May 1987, the Motor Vehicle Safety Research Advisory Committee was established. The purpose of the Committee is to provide an independent source of ideas for safety research. The MVSRAC will provide information, advice and recommendations to NHTSA on matters relating to motor vehicle safety research, and provide a forum for the development, consideration and communication of motor vehicle safety research, as set forth in the MVSRAC Charter.

On September 30, 1987, 15 individuals were appointed to membership on the Committee.

This meeting will include a presentation of NHTSA's process of

setting motor vehicle research program priorities and NHTSA's Crash Avoidance Research Data (CARD) file.

The meeting will also include presenatations from industry on private sector research activities. The Committee will then consider the possibilities of creating subcommittees in one or more of the following subject areas:

- Biomechanics (research not considered by Task Force 3)
- Development of Long Term Priorities
- Occupant Protection
- Truck Safety
- Systems/Technology
- Rollover Crash Protection

The meeting is open to the public, and participation by the public will be determined by the Committee Chairman.

A public reference file (Number 88–01) has been established to contain the products of the Committee and will be open to the public during the hours of 8:00 a.m. to 4:00 p.m. at the National Highway Traffic Safety Administration's Technical Reference Division in Room 5108 at 400 Seventh Street SW., Washington, DC 20590, telephone: (202) 366–2768.

FOR FURTHER INFORMATION CONTACT: Louis V. Lombardo, Office of Research and Development, 400 Seventh Street SW., Room 6208, Washington, DC 20590, telephone: (202) 366–4862.

Issued on: February 1, 1988.

Howard M. Smolkin,

Chairman, Motor Vehicle Safety Research Advisory Committee.

[FR Doc. 88–2367 Filed 2–3–88; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that RSPA and the International Regulations Committee (INTEREC) of the Hazardous Materials Advisory Council will jointly conduct a public meeting to exchange views on proposals relating to the development of international standards for the transport of dangerous goods that will be considered by the 37th session of the Group of Rapporteurs on the Transport of Dangerous Goods and by the International Civil Aviation Organization's Dangerous Goods Panel.

DATE: February 18, 1988, 10:00 a.m.

ADDRESS: Room 8236, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow, Acting International Standards Coordinator, Office of Hazardous Materials Transportation, U.S Department of Transportation, Washington, DC 20590 (202) 366–4545.

SUPPLEMENTARY INFORMATION: Particular topics to be reviewed at this meeting will include:

1. U.S. proposals on the definition of Class 2 Gases, the establishment of defining criteria and tests for the classification of liquid oxidizers, and classification and grouping criteria for mixtures constinaing Division 6.1 substances poisonous by inhalation and proposals received from other Rapporteurs.

2. Proposals to adopt provisions in the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air relating to the transportation of "limited quantities of dangerous goods".

Interested persons are invited to attend and participate in this meeting. Persons planning to attend are cautioned that this meeting is intended to exchange views on a number of proposals involving international standards for the transport of dangerous goods. Therefore, it is recommendeed attendees be familiar with these organizations, their functions and the standards issued by them.

Issued in Washington DC on February 1, 1988.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 88–2368 Filed 2–3–88; 8:45 am]

BILLING CODE 4910–60–M

Urban Mass Transportation Administration

UMTA Section 3 and 9 Grant Obligations

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1988, included in the Omnibus Appropriations Act. Pub. L. 100–202 signed into law by President Reagan on December 22, 1987, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the **Federal Register** each time a grant is obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Edward R. Fleischman, Chief, Resource Management Division, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 Seventh Street SW., Room 9305, Washington, DC 20590, (202) 366–2053.

SUPPLEMENTARY INFORMATION: The section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to the statute UMTA reports the following grant information:

SECTION 3 GRANTS

Transit property	Grant No.	Grant amount	Date obligated
Los Angeles County Transportation Commission, Los Angeles, CA	CA-03-0322	$4,497,408	12/31/87
Greater Hartford Transit District, Hartford, CT	CT-03-0052	436,020	12/21/87
Maryland Department of Transportation, Baltimore, MD	MD-03-0036	9,813,750	12/23/87

SECTION 3 GRANTS—Continued

Transit property	Grant No.	Grant amount	Date obligated
New Hampshire Department of Transportation, Concord, NH	NH-03-0005-02	363,437	1/11/88

SECTION 9 GRANTS

Transit property	Grant No.	Grant amount	Date obligated
Mobile Transit Authority, Mobile, AL	AL-90-x029	$964,208	12/31/87
City of Montgomery, Montgomery, AL	AL-90-X028	1,465,249	12/31/87
Pine Bluff Transit, Pine Bluff, AR	AR-90-X011	560,644	12/31/87
City of Tucson, Tucson, AZ	AZ-90-X006-02	400.001	12/31/87
Sacramento Regional Transit District, Sacramento, CA	CA-90-X251	12,817,444	12/31/87
South Coast Area Transit, Oxnard, CA	CA-90-X253	1,855,941	12/31/87
Hub Area Transit Authority, Yuba City, CA	CA-90-X264	370,000	12/31/87
City of Simi Valley, Simi Valley, CA	CA-90-X257	778,630	12/31/87
Stockton Metropolitan Transit District, Stockton, CA	CA-90-X261	2,618.652	12/31/87
Regional Transportation District: Denver, CO	CO-90-X018-03	973,725	12/31/87
Regional Transportation District, Denver, CO	CO-90-X005-06	32.106	12/31/87
Mesa County, Grand Junction, CO	CO-90-X037	343,297	12/31/87
City of Pueblo, Pueblo, CO	CO-90-X038	441,920	12/31/87
Connecticut Department of Transportation, Hartford, CT	CT-90-X085-01	8,000,000	12/31/87
Greater Hartford Transit District, Hartford, CT	CT-90-X106	1,552,000	12/31/87
Connecticut Department of Transportation, Hartford, CT	CT-90-X107	1,102,805	12/31/87
Connecticut Department of Transportation, Hartford, CT	CT-90-X108	9,237,210	12/31/87
City of Stamford, Stamford, CT	CT-90-X103	118,310	12/31/87
Delaware Transportation Authority, Dover, DE	DE-90-X007	2,705,695	12/31/87
Orange-Osceola-Orlando Transit Authority, Orlando, FL	FL-90-X099	2,128,743	12/31/87
Lakeland Area Mass Transit Department, Lakeland, FL	FL-90-X103	1,294,912	12/31/87
East Volusia Transit Authority, Daytona Beach, FL	FL-90-X100	1,888,684	12/31/87
Consolidated Government of Columbus, Columbus, GA	GA-90-X025-01	25.954	12/31/87
Georgia Department of Transportation, Savannah, GA	GA-90-X039-01	912,000	12/31/87
Metropolitan Transit Authority, Waterloo, IA	IA-90-X080	497,373	12/31/87
Sioux City Board of Transit Trustees, Sioux City, IA	IA-90-X079-01	433,679	12/31/87
Iowa City, Transit, Iowa City, IA	IA-90-X082	12,000	12/31/87
City of Coralville, Iowa City, IA	IA-90-X081	16,000	12/31/87
Bloomington-Normal Public Transit System, Bloomington-Normal, IL	IL-90-X109	555,566	01/08/88
Springfield Mass Transit District, Springfield, IL	IL-90-X110	715,100	01/08/88
Champaign Urbana Mass Transit District, Champaign-Urbana, IL	IL-90-X111	723,200	01/08/88
Bloomington-Normal Public Transit System, Bloomington-Normal, IL	IL-90-X103	46,510	12/31/87
Fort Wayne Public Transportation Corporation, Fort Wayne, IN	IN-90-X098	1,481,996	01/08/88
Greater Lafayette Public Transportation Corporation, Lafayette, IN	IN-90-X099	870,588	01/15/88
Heart City Rider, Elkhart, IN	IN-90-X095	197,403	12/31/87
Metropolitan Evansville Transit System, Evansville, IN	IN-90-X094	1,026,425	12/31/87
City of Anderson Transit System, Anderson, IN	IN-90-X101	578,787	12/31/87
Muncie Indiana Transit System, Muncie, IN	IN-90-X100	1,018,800	12/31/87
Transit Authority of River City, Louisville, KY	KY-90-X035	8,830,638	01/15/88
City of Lafayette, Lafayette, LA	LA-90-X062	430,000	12/31/87
City of Monroe, Monroe, LA	LA-90-X072	485,113	12/31/87
City of Shreveport, Shreveport, LA	LA-90-X074	2,132,000	12/31/87
Lowell Regional Transit Authority, Lowell, MA	MA-90-X075	1,278,200	12/31/87
Worcester Regional Transit Authority, Worcester, MA	MA-90-X077	2,353,641	12/31/87
Greater Attleboro-Taunton Regional Transit Authority, Pawtucket, MA	MA-90-X056-03	1,440,000	12/31/87
Massachusetts Bay Transportation Authority, Boston, MA	MA-90-X073	18,809,832	12/31/87
Greater Portland Transit District, Portland, ME	ME-90-X032	119,692	12/31/87
Maine Department of Transportation, Augusta, ME	ME-90-X031-02	147,506	12/31/87
Greater Portland Transit District, Portland ME	ME-90-X022-02	75,060	12/31/87
Jackson Transportation Authority, Jackson, MI	MI-90-X089	429,812	01/08/88
Ann Arbor Transportation Authority, Ann Arbor, MI	MI-90-X086	1,397,290	01/08/88
Jackson Transportation Authority, Jackson, MI	MI-90-X077-01	23,402	12/31/87
Grand Rapids Area Transportation Authority, Grand Rapids, MI	MI-90-X090	2,301,917	01/08/88
City of Moorhead, Moorhead, MN	MN-90-X028	229,550	12/31/87
City Utilities of Springfield, Springfield, MO	MO-90-X045	958,518	12/31/87
City of Hattiesburg, Hattiesburg, MS	MS-90-X018	317,797	12/31/87
Mississippi Coast Transit Authority, Gulfport, MS	MS-90-X016	25,000	12/31/87
Missoula Urban Transportation District, Missoula, MT	MT-90-X020-01	287,389	12/31/87
Charlotte Transit System, Charlotte, NC	NC-90-X070	1,770,998	12/31/87
Wilmington Transit Authority, Wilmington, NC	NC-90-X071	27,840	12/31/87
Fayetteville Area System of Transit, Fayetteville, NC	NC-90-X065	607,415	12/31/87
City of Fargo, Fargo, ND	ND-90-X015	175,750	12/31/87
Metropolitan Transportation Authority, New York, NY	NY-90-X102-01	50,084,648	1/22/88
Metropolitan Transportation Authority, New York, NY	NY-90-X111-02	65,289,700	1/22/88
Putnam County, New York, NY	NY-90-X124	834,471	12/31/87
City of Glens Falls, Glens Falls, NY	NY-90-X126	232,222	12/31/87
Niagara Frontier Transportation Authority, Buffalo, NY	NY-90-X127	8,836,866	12/31/87
Central Ohio Transit Authority, Columbus, OH	OH-90-X095	1,254,788	1/14/88
Central Ohio Transit Authority, Columbus, OH	OH-90-X096	4,479,086	1/14/88
Portage Area Regional Transportation Authority, Akron, OH	OH-90-X091	354,800	12/31/87

SECTION 9 GRANTS—Continued

Transit property	Grant No.	Grant amount	Date obligated
Southwest Ohio Regional Transit Authority, Cincinnati, OH	OH-90-X072-02	505,815	12/31/87
Miami Valley Regional Transit Authority, Dayton, OH	OH-90-X094	9,513,746	1/14/88
Metropolitan Tulsa Transit Authority, Tulsa, OK	OK-90-X021	1,609,585	12/31/87
Central Oklahoma Transportation and Parking Authority, Oklahoma City, OK	OK-90-X022	416,000	12/31/87
Salem Area Mass Transit District, Salem, OR	OR-90-X024	1,434,104	12/31/87
Beaver County Transit Authority, Pittsburgh, PA	PA-90-X132	304,913	12/31/87
Luzerne County Transportation Authority, Scranton, PA	PA-90-X136	1,278,735	12/31/87
York Area Transportation Authority, York, PA	PA-90-X125	512,324	12/31/87
County of Lackawanna Transit System, Scranton, PA	PA-90-X129-01	490,126	12/31/87
Cumberland-Dauphin-Harrisburg Transit Authority, Harrisburg, PA	PA-90-X127-01	71,851	12/31/87
Southeastern Pennsylvania Transportation Authority, Philadelphia, PA	PA-90-X134	28,173,873	12/31/87
Erie Metropolitan Transit Authority, Erie, PA	PA-90-X120-02	489,363	12/31/87
Centre Area Transportation Authority, State College, PA	PA-90-X138	400,000	12/31/87
Mid Mon Valley Transit Authority, Monessen, PA	PA-90-X135	263,942	12/31/87
York Area Transportation Authority, York, PA	PA-90-X126	1,509,104	12/31/87
Department of Transportation and Public Works, San Juan, PR	PR-90-X033	604,800	12/31/87
Rhode Island Department of Transportation, Providence, RI	RI-90-X010	5,015,886	12/31/87
Greenville Transit Authority, Greenville, SC	SC-90-X015-01	1,572,308	12/31/87
City of Sioux Falls, Sioux Falls, SD	SD-90-X005-01	55,480	12/31/87
City of Rapid City, Rapid City, SD	SD-90-X008-02	26,626	12/31/87
City of Knoxville, Knoxville, TN	TN-90-X057-01	528,000	12/31/87
Memphis Area Transit Authority, Memphis, TN	TN-90-X050	3,690,744	1/15/88
City of Knoxville, Knoxville, TN	TN-90-X060	988,513	1/15/88
Metropolitan Transit Authority, Nashville, TN	TN-90-X051	1,711,176	12/31/87
City of Knoxville, Knoxville, TN	TN-90-X055-01	28,000	12/31/87
Brownsville Urban System, Brownsville, TX	TX-90-X107	1,010,000	12/31/87
City of Laredo, Laredo, TX	TX-90-X115	762,000	12/31/87
Texoma Regional Planning Commission, Sherman-Denison, TX	TX-90-X113	169,638	12/31/87
City of Howe, Sherman-Denison, TX	TX-90-X112	12,140	12/31/87
City Amarillo, Amarillo, TX	TX-90-X108	663,642	12/31/87
Utah Transit Authority, Salt Lake City, UT	UT-90-X009	4,366,156	12/31/87
Greater Richmond Transit Company, Richmond, VA	VA-90-X047-01	1,977,018	12/31/87
Peninsula Transportation District Commission, Hampton, VA	VA-90-X045-01	1,771,451	12/31/87
Tidewater Transportation District Commission, Norfolk, VA	VA-90-X052	8,421,029	12/31/87
Pierce County Public Transportation Benefit Area, Tacoma, WA	WA-90-X080	2,926,045	12/31/87

SECTION 9 GRANTS READY FOR OBLIGATION: WAITING FOR 13(C) CERTIFICATION

Transit property	Grant No.	Grant amount
Regional Transportation District, Denver, CO	CO-90-X036	$6,685,292
Norwalk Transit District, Norwalk, CT	CT-90-X099	142,323
Metropolitan Dade County, Miami, FL	FL-90-X101	11,472,794
Greater Lafayette Public Transportation Corporation, Lafayette, IN	IN-90-X099-01	316,800
Montachusett Regional Transit Authority, Fitchburg, MA	MA-90-X076	370,748
Kansas City Area Transportation Authority, Kansas City, MO	MO-90-X043	1,696,040
Kansas City Area Transportation Authority, Kansas City, MO	MO-90-X044	5,027,299
New Jersey Transit Corporation, Northeastern, NJ	NJ-90-X023	38,823,595
City of Albany, Albany, NY	NY-90-X130	696,000
Capital District Transportation Authority, Albany, NY	NY-90-X128	3,047,250
Southwest Ohio Regional Transit Authority, Cincinnati, OH	OH-90-X092	7,731,320
Lane Transit District, Eugene, OR	OR-90-X023	1,387,988
Tri-County Metropolitan Transp. District of Oregon, Portland, OR	OR-90-X026	4,108,766
Port Authority of Allegheny County, Pittsburgh, PA	PA-90-X137	21,953,686
Chattanooga Area Regional Transportation Authority, Chattanooga, TN	TN-90-X052	1,701,084
Chittenden County Transit Authority, Burlington, VT	VT-90-X008	427,995
Snohomish County Transportation Authority, Everett, WA	WA-90-X079	170,000

Issued on: January 28, 1988.

Alfred A. DelliBovi,

Administrator.

[FR Doc. 88-2369 Filed 2-3-88; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: February 1, 1988.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1008.

Form Number: 8582.
Type of Review: Resubmission.
Title: Passive Activity Loss Limitations.
Description: Under section 469, losses from passive activities, to the extent that they exceed income from passive activities, cannot be deducted against nonpassive income. Room 8582 is used to figure the passive activity loss allowed and the loss to be reported on the tax return. The worksheets 1 and 2 in the instructions are used to figure the amount to be entered on lines 1 and 2 of Form 8582 and worksheets 3 through 6 are used to allocate the loss allowed back to individual activities.
Respondents: Individuals or households, Farms, Businesses or other for-profit.
Estimated Burden: 17,823,226 hours.

OMB Number: 1545–1021.
Form Number: 8594.
Type of Review: Resubmission.
Title: Special Allocation Rules for Certain Asset Acquisitions.
Description: Section 1060 of the Internal Revenue Code of 1986 requires the seller and the purchaser of a group of business assets to allocate the consideration for the assets among the assets pursuant to the residual method of allocation. The seller and the purchaser must report certain information concerning the allocation of the consideration.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Burden: 172,132 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 88–2353 Filed 2–3–88; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: February 1, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0430.
Form Number: 4810.
Type of Review: Extension.
Title: Request for Prompt Assessment Under Internal Revenue Code Section 6501(d).
Description: Form 4810 is used to request a prompt assessment under Internal Revenue Code section 6501(d). IRS uses this form to locate the return to expedite processing of the taxpayer's request.
Respondents: Individuals or households, Farms, Businesses or other for-profit, Federal agencies or employees, Small businesses or organizations.
Estimated Burden: 2,000 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 88–2354 Filed 2–3–88; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: February 1, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557–0106.
Form Number: F–2, F–3, F–4, F–5, F–6, F–7, F–8, F–11, and F–20, Annual Report.
Type of Review: Reinstatement.
Title: Securities Exchange Act Disclosure Rules.
Description: Part II conforms regulations affecting securities transactions of nearly 330 national banks with those of the Securities and Exchange Commission as required by 15 U.S.C. 78 *et seq.*
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Burden: 36,879 hours.
Clearance Officer: Eric Thompson (202) 447–1632, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.
OMB Reviewer: Robert Fishman (202) 395–7340, Office of Management and Budget, Room 3228, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 88–2355 Filed 2–3–88; 8:45 am]
BILLING CODE 4810–25–M

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 1–88]

Treasury Notes, Series W–1990

Washington, January 28, 1988.

The Secretary announced on January 27, 1988, that the interest rate on the notes designated Series W–1990, described in Department Circular—Public Debt Series—No. 1–88 dated January 21, 1988, will be 7⅜ percent. Interest on the notes will be payable at the rate of 7⅜ percent per annum.

Gerald Murphy,
Fiscal Assistant Secretary.
[FR Doc. 88–2290 Filed 2–3–88; 8:45 am]
BILLING CODE 4810–40–M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 23
Thursday, February 4, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, February 11, 1988.

PLACE: 2033 K St. NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 88–2420 Filed 2–2–88; 12:06 pm]
BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, February 25, 1988.

PLACE: 2033 K St. NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Application of the Chicago Mercantile Exchange for contract market designation on the CME Treasury Index futures
2. Third Quarter FY 1988 Objectives

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 88–2421 Filed 2–2–88; 12:06 pm]
BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Thursday, February 25, 1988.

PLACE: 2033 K St. NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 88–2422 Filed 2–2–88; 12:06 pm]
BILLING CODE 6351-01-M

FEDERAL ELECTION COMMISSION

FEDERAL REGISTER NO.: 88–1817.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 4, 1988, 10:00 a.m.

CHANGE IN MEETING: The open meeting scheduled for this date was cancelled.

* * * * *

DATE AND TIME: Tuesday, February 9, 1988, 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, February 11, 1988, 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Notice of Inquiry—Allocations between Federal and Nonfederal Accounts.
Draft Advisory Opinion 1987–29—Jan W. Baran on behalf of Life Underwriters PAC and the National Association of Life Underwriters.
Discussion of Commission's DSR Procedures Prior to Consideration of Proposed Changes in Commission Regulations.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–376–3155.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 88–2457 Filed 2–2–88; 2:30 pm]
BILLING CODE 6715-01-M

Federal Register

Thursday
February 4, 1988

Part II

Department of Justice

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations and Schedules of Controlled Substances; Table of Exempt Prescription Products; Proposed Rules

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule amends § 1308.24 of Title 21 of the Code of Federal Regulations. The below listed chemical preparations and mixtures which contain controlled substances replaces the list of exempt chemical preparations set forth in § 1308.24(i). This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA. Those preparations included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations.

DATE: Comments must be submitted on or before March 7, 1988.

ADDRESS: Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attn: Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act as amended by the Dangerous Drug Diversion Control Act of 1984 authorizes the Attorney General at 21 U.S.C. 811(g)(3)(B) to exempt from specific provisions of the Act a compound, mixture, or preparation which contains any controlled substance, which is not for administration to a human being or animal, and which is packaged in such form or concentration or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse.

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting approval of exempt status provided for in 21 CFR 1308.24. These applications have been received by the Deputy Assistant Administrator, Office of Diversion Control. The Deputy Assistant Administrator hereby finds that each of the following preparations and mixtures is intended for laboratory, industry, educational, or special research purposes; is not intended for general administration to man or animal; and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Deputy Assistant Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of the researchers, chemical analysts, and suppliers of these products.

The Deputy Assistant Administrator for the Office of Diversion Control hereby certifies that these matters will have no significant negative impact upon small businesses or other entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from certain sections of the Controlled Substances Act of 1970 and regulations.

The Office of Management and Budget (OMB) has determined that these changes are internal agency matters which do not require formal OMB review.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by 21 U.S.C. 811(g)(3)(B) and delegated to the Administrator of the Drug Enforcement Administration and redelegated to the Deputy Assistant Administrator of the Drug Enforcement Administration, Office of Diversion Control by 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator of the Office of Diversion Control hereby amends 21 CFR Part 1308 as set forth below.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. In § 1308.24(i) the table is revised to read as follows:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

EXEMPT CHEMICAL PREPARATIONS

Manufacturer or supplier	Product name/description	Form of product	Date of application
Abbott Laboratories			
Abbott Laboratories	125I Cholylglycyltyrosine Reagent Solution, No. 7816	Plastic Bottle: 20ml	04/07/78
Abbott Laboratories	125I-Thyroxine Reagent Solution	Plastic Bottle: 25ml, 5ml	04/22/76
Abbott Laboratories	ADx Benzoylecgonine Fluorescein Tracer Solution	Bottle:3.2 ml	12/02/86
Abbott Laboratories	ADx Cannabinoids Fluorescein Tracer Solution	Bottle:3.2ml	12/02/86
Abbott Laboratories	ADx Cannabinoids Reagent Pack (No. 9671-55)	Reagent Pack:50 tests	12/02/86
Abbott Laboratories	ADx Cocaine Metabolite Reagent Pack (No. 9670-55)	Reagent Pack: 50 tests	12/02/86
Abbott Laboratories	ADx Opiates Fluorescein Tracer Solution	Bottle: 3.2 ml	12/02/86
Abbott Laboratories	ADx Opiates Reagent Pack (No. 9673-55)	Reagent Pack:50 tests	12/02/86
Abbott Laboratories	Amphetamine Bulk Calibrators, B-F	Flask: 2 liter	10/09/85
Abbott Laboratories	Amphetamine Bulk Controls, L and H	Flask: 2 liter	12/09/85
Abbott Laboratories	Amphetamine Stock Standard, No. 97072	Bottle: 125ml	09/30/85
Abbott Laboratories	Amphetamine/ Metamphetamine QC Primary Bulk Control M, No. 9668-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Amphetamine/ Methamphetamine QC Primary Standard Control M, No. 9668-M.	Bottle:5 ml	11/10/87

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Abbott Laboratories	Barbital Buffer 0.05 Molar	Plastic Bottle: 25ml, 5ml	04/22/76
Abbott Laboratories	Barbital Buffer, 0.06 M Reagent Solution No. 7824	Plastic Bottle: 2.5ml	04/07/78
Abbott Laboratories	Barbiturates QC Primary Bulk Control M, No. 9669-M	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Barbiturates QC Primary Standard Control M, No. 9669-M	Bottle:5 ml	11/10/87
Abbott Laboratories	Benzodiazepines Bulk Calibrators, A-F No. 9674	Flasks: 2 liter	04/21/86
Abbott Laboratories	Benzodiazepines Bulk Controls, L and H No. 9674	Flasks: 2 liter	04/21/86
Abbott Laboratories	Benzodiazepines QC Primary Bulk Control M, No. 9674-M	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Benzodiazepines QC Primary Bulk Control M, No. 9674-M	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Benzoylecgonine Stock Standard, No. 97182	Bottle: 125ml	11/21/85
Abbott Laboratories	CG RIA Diagnostic Kit No. 7815	Kit: 100 tests	04/07/78
Abbott Laboratories	Cannabinoids Bulk Calibrators B-F	Flasks:2 liters	10/24/86
Abbott Laboratories	Cannabinoids Bulk Calibrators B-F	Flask:6 liter	06/19/87
Abbott Laboratories	Cannabinoids Bulk Controls L,M, and H	Flask:6 liters	06/19/87
Abbott Laboratories	Cannabinoids Bulk Controls L,M,H	Flasks:2 liters	10/24/86
Abbott Laboratories	Cannabinoids Bulk Tracer (No. 94192)	Flasks:4 liters	10/27/86
Abbott Laboratories	Cannabinoids Stock Standard (94568)	Bottle: 125 ml	06/19/87
Abbott Laboratories	Cannabinoids Stock Standard (No. 94193)	Bottle:125 ml	10/24/86
Abbott Laboratories	Cannabinoids Stock Tracer (No. 94194)	Flask:5 ml	10/27/86
Abbott Laboratories	Cholylglycine Antiserum (Rabbit) Reagent Solution No. 7817.	Plastic Bottle: 20ml	04/07/78
Abbott Laboratories	Cocaine Metabolite Bulk Calibrator, B-F No. 9670	Flask: 2 liter	10/28/85
Abbott Laboratories	Cocaine Metabolite Bulk Controls, L and H No. 9670	Flask: 2 liter	10/28/85
Abbott Laboratories	Cocaine Metabolite Bulk Tracer, No. 9670	Flask: 4 liter	10/29/85
Abbott Laboratories	Cocaine Metabolite QC Primary Bulk Control M, No. 9670-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Cocaine Metabolite QC Primary Standard Control M, No. 9670-M.	Bottle:5 ml	11/10/87
Abbott Laboratories	Cocaine Metabolite Stock Tracer, No. 9670	Vial: 5ml	10/29/85
Abbott Laboratories	Digoxin I125 Imusay R Diagnostic Kit No.7649	Kit: 100 units	06/06/74
Abbott Laboratories	Morphine Stock Standard, No. 97291	Vial: 125ml	10/16/85
Abbott Laboratories	Multiconstituent Bulk Controls L,M,H (No. 9687-L,M,H)	Flask: 10 liters	09/03/87
Abbott Laboratories	Nordiazepam Stock Standard, No. 97757	Bottle: 125ml	04/21/86
Abbott Laboratories	Opiate Bulk Calibrators, B-F No. 9673	Flasks: 2 liter	05/07/86
Abbott Laboratories	Opiate Bulk Controls, L and H No. 9673	Flasks: 2 liter	05/07/86
Abbott Laboratories	Opiates Bulk Tracer, No. 97458	Flask: 4 liter	05/07/86
Abbott Laboratories	Opiates QC Primary Bulk Control M, No. 9673-M	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Opiates QC Primary Standard Control M, No. 9673-M	Bottle:5 ml	11/10/87
Abbott Laboratories	Opiates Stock Tracer, No. 98718	Bottle: 30ml	05/07/86
Abbott Laboratories	Phencyclidine Bulk Calibrator, B-F No. 9672	Flask: 2 liter	03/21/86
Abbott Laboratories	Phencyclidine Bulk Control M No. 9672	Flask: 2 Liters	09/26/86
Abbott Laboratories	Phencyclidine Bulk Controls, L and H No. 9672	Flask: 2 liter	03/21/86
Abbott Laboratories	Phencyclidine Stock Standard, No. 97158	Bottle: 125ml	11/21/85
Abbott Laboratories	Phenobarbital Enzyme Inhibitor Stock	Vial: 2ml	01/20/84
Abbott Laboratories	Phenobarbital Stock Solution 1 mg/ml Code No. 94312	Plastic Bottle:125 ml	03/23/87
Abbott Laboratories	Phenobarbital Stock Solution 10 mg/ml Code No. 94313	Plastic Bottle:125 ml	03/23/87
Abbott Laboratories	Phenobarbital Stock Standard Solution	Bottle: 1 liter	08/12/82
Abbott Laboratories	Polyethylene Glycol 8000, 16% Solution in 0.09 M Barbital Buffer, No 7541.	Plastic Bottle: 300 ml, 150 ml	09/21/77
Abbott Laboratories	Secobarbital Bulk Calibrator, B-F No. 9669	Flask: 2 liter	03/21/86
Abbott Laboratories	Secobarbital Bulk Controls, L and H No. 9669	Flask: 2 liter	03/21/86
Abbott Laboratories	Secobarbital Stock Standard, No. 97171	Bottle: 125ml	11/21/85
Abbott Laboratories	Spectrum Phenobarbital Calibrator II-VI, Nos. 9755, 9757, 9759, 9761, 9763.	Bottle: 4ml	10/03/85
Abbott Laboratories	Spectrum Phenobarbital Control, Nos. 9876, 9878, 9880. (L,M,H).	Bottle: 4ml	10/03/85
Abbott Laboratories	T 4 RIA (PEG) Diagnostic Kit	Kit: 500 tests, 100 tests, 50 tests.	04/22/76
Abbott Laboratories	TDx Amphetamine/Methamphetamine Calibrator, No. 9668-01.	Bottles: 4ml	08/23/85
Abbott Laboratories	TDx Amphetamine/Methamphetamine Controls, No. 9668-10.	Bottles: 4ml	08/23/85
Abbott Laboratories	TDx Barbiturates Calibrators, B-F No. 9669	Bottle: 4 ml	10/08/85
Abbott Laboratories	TDx Barbiturates Control, L and H No. 9669	Bottle: 4ml	10/08/85
Abbott Laboratories	TDx Benzodiazepines Calibrators, No. 9674-01	Bottles: 4ml	04/21/86
Abbott Laboratories	TDx Benzodiazepines Controls, No. 9674-10	Bottles: 4ml	04/21/86
Abbott Laboratories	TDx Cannabinoids Calibrators B-F (9671-02)	Bottle:5 ml	06/19/87
Abbott Laboratories	TDx Cannabinoids Calibrators B-F (No. 9671-01)	Bottles:5 ml	10/24/86
Abbott Laboratories	TDx Cannabinoids Controls L,M, and H (9671-11)	Bottle:5 ml	06/19/87
Abbott Laboratories	TDx Cannabinoids Controls L,M,H (No. 9671-10)	Bottles:5 ml	10/24/86
Abbott Laboratories	TDx Cannabinoids Fluorescein Tracer Solution (No. 9671-T)	Bottle:5 ml	10/27/86
Abbott Laboratories	TDx Cannabinoids Reagent Pack (No. 9671-20)	100 tests	10/27/86
Abbott Laboratories	TDx Cocaine Metabolite Calibrator, B-F No. 9670	Bottle: 4ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Control, L and H No. 9669	Bottle: 4ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Reagent Pack	Reagent well: 5ml	10/02/85
Abbott Laboratories	TDx Multiconstituent Controls L,M,H (No. 9687-L,M,H)	Bottle:5 ml	09/03/87
Abbott Laboratories	TDx Opiates Calibrators, B-F No. 9673	Vials: 4ml	05/07/86
Abbott Laboratories	TDx Opiates Controls, L and H No. 9673	Vials: 4ml	05/07/86
Abbott Laboratories	TDx Opiates Reagent, Pack No. 9673-20	Reagent Well: 5ml	05/07/86
Abbott Laboratories	TDx Phencyclidine Calibrators, B-F No. 9672	Bottle: 4ml	10/09/85
Abbott Laboratories	TDx Phencyclidine Control M No. 9672	Bottle: 4ml	09/26/86

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Abbott Laboratories	TDx Phencyclidine Controls, L and H No. 9672	Bottle: 4ml	10/09/85
Abbott Laboratories	TDx Phenobarbital Calibrator-0.0, 5.0, 10.0, 20.0, 40.0, and 80.0 mcg/ml.	Kit ctg: 6 vials	08/31/81
Abbott Laboratories	TDx Phenobarbital Controls- 15.0, 30.0, 50.0 mcg/ml	Kit ctg: 3 vials	08/31/81
Abbott Laboratories	TDx Systems Multiconstituent Controls for Abused Drug (No. 9687-10).	Kit: 6 Bottles	09/03/87
Abbott Laboratories	Thyroxine Antiserum (Sheep, Rabbit, or Goat)	Plastic Bottle: 200ml, 20ml	04/22/76
Abbott Laboratories	Thyroxine Binding Globulin, Thyroxine I 125	Glass Bottle: 13ml. Plastic Bottle: 250ml	04/22/76
Adri/Technam			
Adri/Technam	3-Ortho-Carboxymethylmorphine	Screw Cap Vial	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid	Screw Cap Vial	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid-Bovine Serum Albumin.	Vaccine Vial: 10ml	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid-Rabbit Serum Albumin.	Vaccine Vial: 10ml	05/03/73
Adri/Technam	Barbiturate Standard	Screw-cap vial:10ml	07/17/76
Adri/Technam	Barbituric Acid Sensitized Red Blood Cells	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Benzoyl Ecgonine	Screw-cap vial:10ml	04/18/74
Adri/Technam	Benzoyl Ecgonine Sensitized Red Blood Cells	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Benzoyl Ecgonine Standard	Screw-cap vial:10ml	07/17/76
Adri/Technam	Benzoyl Ecgonine-BSA	Vaccine Vial	07/21/75
Adri/Technam	Benzoyl Ecgonine-RSA	Vaccine Vial	07/21/75
Adri/Technam	CMM-BSA and CMM-RSA (Carboxymethylmorphine Bovine Serum Albumin or Carboxymethylmorphine Rabbit Serum Albumin).	Vaccine Vial: 10ml	05/03/73
Adri/Technam	Cannabuse Cannabidiol Standard	Disks: 25/package	05/03/85
Adri/Technam	Cannabuse Delta 8 THC Carboxylic Acid Standard	Disks: 25/package	09/19/84
Adri/Technam	Cannabuse Delta 8 THC Carboxylic Acid Standard	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Carboxylic Acid Standard	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Carboxylic Acid Standard	Disks: 25/package	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Standard	Disks: 25/package	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Standard	Vial: 6 ml	09/19/84
Adri/Technam	Drug Standards, Acid/Neutral Mixture A and B	Disks: 25/package	11/15/85
Adri/Technam	Drug Standards, Basic Mixture A and B	Disks: 25/package	11/15/85
Adri/Technam	Methadone Standard	Screw-cap vial:10ml	07/17/76
Adri/Technam	Morphine Sensitized Red Blood Cells	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Morphine Standard (in distilled water)	Screw-cap vial:10ml	07/17/77
Adri/Technam	Tropinecarboxylic Acid (ecgonine)	Screw-cap Bottle:10ml	05/03/73
American Monitor Corporation			
American Monitor Corporation	Qualify I	Glass Vial: 10ml	10/09/75
American Monitor Corporation	Qualify II	Glass Vial: 10ml	10/09/75
Amersham Corporation			
Amersham Corporation	Amerlex T-3 RIA Kit, IM 2000, IM 2001, IM 2004	Kit: 50 tests, 100 tests, 400 tests	02/18/80
Amersham Corporation	Amerlex T-4 RIA Kit, IM 2010, IM 2011, IM 2014	Kit: 50 tests, 100 tests, 400 tests	02/06/80
Amersham Corporation	Amerlex-M B-hCG Radioimmunoassay Kit IM 3091,IM 3094	Kit: 100 tests, 400 tests	06/19/85
Amersham Corporation	Amerlex-M T3 RIA Kit, 1M.3001, 1M.3004	Kit:100 Tests 400 Tests	08/27/86
Amersham Corporation	Amerlex-M T4 RIA Kit, 1M.3011, 1M.3014	Kit:100 Tests 400 Tests	08/27/86
Amersham Corporation	Codeine (N-methyl-C14) Hydrochloride	Custom Preparation	03/27/72
Amersham Corporation	Morphine (N-methyl-C14) Hydrocloride No. CFA-363	Vial:0.32 to 1.89mg	03/27/72
Amersham Corporation	Pheno [2-14C] barbital Catalog No. CFA 537	Vial:0.39 to 5.85mg	11/05/74
Amersham Corporation	Prolactin RIA Kit, IM 1060, 1061	Kit: 50 tests, 100 tests	03/28/80
Amersham Corporation	T-3 Uptake (MAA) Kit-IM 1020, IM 1021, IM 1024	Kit: 50 tests, 100 tests, 400 tests	02/05/79
Amersham Corporation	[1(N)-3H] Hydromorphone TRQ 4729	Vial: 47.5-95 micrograms	07/31/87
Amersham Corporation	[1(n)-3H] Codeine, No. TRK 448	Ampule: 0.002mg to 0.015mg	02/26/74
Amersham Corporation	[1(n)-3H]Morphine, No. TRK-447	Vial: 0.002 mg to 0.015 mg	02/26/74
Amersham Corporation	[1,7,8(n)-3H]Dihydromorphine, No. TRK-450	Vial: 0.0008 mg to 0.008 mg	02/26/74
Amersham Corporation	[15, 16(n)-3H] Etorphine, Catalog No. TRK 476	Vial:3.45 to 6.9 micrograms	11/19/74
Amersham Corporation	[15,16(n)-3H] Etorphine Catalog No. TRK 476	Vial:13.8 to 27.6 micrograms	02/17/75
Amersham Corporation	[2(n)-3H] Lysergic Acid Diethylamide, No. TRK. 461	Vial: 0.003mg to 0.04mg	05/22/74
Amersham Corporation	[2-14C] Diazepam Catalog No. CFA.591	Multidose Glass Vial: 56mm x 25mm	09/28/77
Amersham Corporation	[N-methyl-3H] Diazepam Catalog Code: TRK.572	Multidose Glass Vial: 56mm x 25mm	09/28/77
Analytical Systems, Div. Marion Laboratories, Inc.			
Analytical Systems, Div. Marion Laboratories, Inc.	Proficiency Sample	Plastic Bottle Containing 40 ml	06/22/82
Analytical Systems, Div. Marion Laboratories, Inc.	Special Toxi-Discs	Plastic Vial or Bottle Containing 50 Standard Discs.	03/30/77
Analytical Systems, Div. Marion Laboratories, Inc.	Toxi-Control	Plastic Bottle Containing 50 ml	03/30/77
Analytical Systems, Div. Marion Laboratories, Inc.	Toxi-Control THC	Plastic Bottle Containing 50 ml	10/05/83
Analytical Systems, Div Marion Laboratories, Inc.	Toxi-Disc A Series	Plastic Vial Containing 50 Standard Discs.	05/06/75
Analytical Systems, Div Marion Laboratories, Inc.	Toxi-Disc B Series	Plastic Vial Containing 50 Standard Discs.	05/06/75

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Analytical Systems, Div. Marion Laboratories, Inc.	Toxi-Discs THC	Plastic Vial Containing 50 Standard Discs.	10/05/83
Analytical Systems, Div. Marion Laboratories, Inc.	Toxi-Grams	Glass Jar Containing 50 or 100 Chromatograms.	09/24/80
Analytical Systems, Div. Marion Laboratories, Inc.	Toxi-Lab Cannabinoid (THC) Screen	Kit: 50 tests	10/05/83
Applied Sciences Laboratories			
Applied Sciences Laboratories	Allylisobutylbarbituric Acid	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Alphaprodine HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Alphenal	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Alprazolam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Amobarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Amphetamine HCL	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Aprobarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Barbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Barbiturates, Mixture 4	Vial: 10ml	10/04/72
Applied Sciences Laboratories	Benzoylecgonine Tetrahydrate	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Benzphetamine HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Butabarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Butethal	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Chloral Hydrate	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Chlordiazepoxide HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Clonazepam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Clorazepate Dipotassium	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Cocaine	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Codeine	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Delta-9-Tetrahydrocannabinol	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Depressants, Mixture 3	Vial: 10ml	10/04/72
Applied Sciences Laboratories	Dextropropoxyphene HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Diacetylmorphine HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Diallybarbituric acid	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Diazepam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Diethylpropion HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Dihydrocodeine	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Dimethyltryptamine	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Drug Mix Four	Ampoule: 1 ml	11/03/86
Applied Sciences Laboratories	Drug Mix One	Ampoule: 1 ml	10/21/86
Applied Sciences Laboratories	Drug Mix Three	Ampoule: 1 ml	11/03/86
Applied Sciences Laboratories	Drug Mix Two	Ampoule: 1 ml	10/21/86
Applied Sciences Laboratories	Ecgonine HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Ethchlorvynol	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Ethinamate	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Ethylmorphine HCL	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Fenfluramine HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Fentanyl	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Flurazepam HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Glutethimide	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Halazepam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Hexobarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Hydrocodone Bitartrate	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Hydromorphone HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Levorphanol Tartrate	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Lorazepam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Lysergic Acid	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Lysergic Acid N-(methylpropyl) amide	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Lysergic Acid diethylamide	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Meperidine HCL	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Mephobarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Meprobamate	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Mescaline	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Methadone HCL	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Methamphetamine HCL	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Methaqualone HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Methohexital	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Methylphenidate	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Methyprylon	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Mixture 1-Opiates	Vial: 1ml	10/04/72
Applied Sciences Laboratories	Mixture 2-Stimulants	Vial: 1ml	10/04/72
Applied Sciences Laboratories	Mixture 3-Depressants	Vial: 1ml	10/04/72
Applied Sciences Laboratories	Mixture 4-Barbiturates	Vial: 1ml	10/04/72
Applied Sciences Laboratories	Mixture 5-Kit of Representatives	Vial: 1ml	10/04/72
Applied Sciences Laboratories	Morphine	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Nalorphine	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Norcodeine HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Normorphine	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Opiates, Mixture 1	Vial: 10ml	10/04/72
Applied Sciences Laboratories	Oxazepam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Oxycodone HCL	Vial: 1ml	04/16/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Applied Sciences Laboratories	Oxymorphone HCL	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Paraldehyde	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Pemoline	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Pentazocine	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Pentobarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Phenazocine HBr	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Phencyclidine HCL	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Phendimetrazine Bitartrate	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Phenobarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Phentermine	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Prazepam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Psilocybin	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Psilocyn	Vial: 1 ml	11/06/87
Applied Sciences Laboratories	Secobarbital	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Stimulants, Mixture 2	Vial: 10ml	10/04/72
Applied Sciences Laboratories	Temazepam	Vial: 1ml	04/16/85
Applied Sciences Laboratories	Thebaine	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Thiamylal	Vial: 1ml	01/24/73
Applied Sciences Laboratories	Triazolam	Vial: 1ml	04/16/85
Armed Forces Institute of Pathology			
Armed Forces Institute of Pathology	11-nor-9-carboxy-delta 8-THC in Ethanol Ampules	Glass Ampule: 1mg/ml, 1ml, 5ml, 10ml	01/25/82
Astral Medical Systems			
Astral Medical Systems	Barbital Buffer	Plastic bag: 12.2g/bag	05/01/85
Astral Medical Systems	Barbital Lactate Buffer	Plastic bag: 18g/bag	05/01/85
Astral Medical Systems	Isoenzyme Buffer	Plastic bag: 14g/bag	05/01/85
Astral Medical Systems	Tris-Barbital Sodium Barbital Buffer	Plastic bag: 18g/bag	05/01/85
BHP Diagnostix			
BHP Diagnostix	Kodak Ektachem-DT Calibrator	Bottle: 6ml	01/05/85
Baxter Healthcare Corporation, Dade Division			
Baxter Healthcare Corporation, Dade Division.	(125I) Human TSH Tracer (Lyophilized), Catalog No. CA-2691.	Glass Vial:10 ml	09/09/86
Baxter Healthcare Corporation, Dade Division.	(125I) Human TSH Tracer, Catalog No. CA-2611	Glass Vial:10 ml	09/09/86
Baxter Healthcare Corporation, Dade Division.	Absorbed Plasma and Serum Reagents Kit (Catalog No. B4233-2).	Kit:5 Vials	03/10/87
Baxter Healthcare Corporation, Dade Division.	Absorbed Plasma and Serum Reagents Kit B4233-2	Glass Vial: 5ml (Lyophilized Material)	08/16/71
Baxter Healthcare Corporation, Dade Division.	Anticonvulsant Drug Controls, Levels I and II, Catalog No. CA-2419 and CA-2420.	Glass Vial:3.5 ml	09/09/86
Baxter Healthcare Corporation, Dade Division.	Bovine Chemistry Control I.X Special Order Request B5107-55XX.	Bottle: 18ml (Lyophilized Material)	01/29/86
Baxter Healthcare Corporation, Dade Division.	Bovine Chemistry Control II.X Special Order Request B5107-65XX.	Bottle: 18 ml (Lyophilized Material)	01/29/86
Baxter Healthcare Corporation, Dade Division.	Buffered Thrombin (Bovine) Catalog No. B4233-40	Bottle: 5ml (Lyophilized Material)	01/24/86
Baxter Healthcare Corporation, Dade Division.	Clinical Assays GammaCoat (125I) Phenobarbital Radioimmunoassay Kits Catalog No. CA-2545, CA-2565.	Kit:50 Assays, 500 Assays	09/09/86
Baxter Healthcare Corporation, Dade Division.	Clinical Assays GammaCoat (125I) Phenytoin Radioimmunoassay Kit Catalog No. CA-2537, CA-2557.	Kit:50 Assays, 500 Assays	09/09/86
Baxter Healthcare Corporation, Dade Division.	Clinical Assays GammaCoat (125I) T3 Uptake Radioimmunoassay Kit Catalog No. CA-2539, CA-2539J, CA-2559, CA-2559J.	Kit:100 Assays, 100 Assays, 500 Assays, 500 Assays.	09/09/86
Baxter Healthcare Corporation, Dade Division.	Clinical Assays GammaDab (125I) HS-HTSH Radioimmunoassay Kit Catalog No. CA-1573.	Kit:125 Assays	09/09/86
Baxter Healthcare Corporation, Dade Division.	Clinical Assays GammaDab (125I) HTSH Radioimmunoassay Kit Catalog No. CA-2591J.	Kit:125 Assays	09/09/86
Baxter Healthcare Corporation, Dade Division.	Dade Tri-Rac R Tri Level Immunoassay Controls	Bottle: 9ml 6 bottles per kit (Lyophilized Material).	04/11/85
Baxter Healthcare Corporation, Dade Division.	Data-Fi Fibrin Monomer Control Catalog Nos. B4233-30 & B4233-38.	Glass Vial: 5ml (Lyophilized Material)	01/24/86
Baxter Healthcare Corporation, Dade Division.	Data-Fi Protamine Sulfate Reagents Kit (Catalog No. B4233-30).	Kit:10 Vials	03/10/87
Baxter Healthcare Corporation, Dade Division.	Data-Fi Thrombin Reagent	Bottle: 5ml (Lyophilized Material)	05/18/81
Baxter Healthcare Corporation, Dade Division.	Data-Fi Thrombin Reagent	Bottle:9 ml (Lyophilized Material)	07/20/83
Baxter Healthcare Corporation, Dade Division.	HTSH Non-Specific Binding Reagent, Catalog No. CA-2752	Glass Vial:3.5 ml	09/09/86
Baxter Healthcare Corporation, Dade Division.	HTSH Non-Specific Binding Reagent, Catalog No. CA-2780	Glass Vial:3.5 ml	09/09/86
Baxter Healthcare Corporation, Dade Division.	Human TSH Controls Levels I and II, Catalog No. CA-2452 and CA-2453.	Glass Vial:3.5 ml	09/09/86
Baxter Healthcare Corporation, Dade Division	Moni-Trol Level I Chemistry Control, Assayed, Special Order Request. B5103-XXX.	Bottle:9ml (Lyophilzed Material)	01/20/84

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Baxter Healthcare Corporation, Dade Division.	Moni-Trol Level I.X Special Order Request B5106-5X	Bottle: 18ml (Lyophilized Material)	06/30/83
Baxter Healthcare Corporation, Dade Division.	Moni-Trol Level II Chemistry Control, Assayed, Special Order Request. B5103-XXX, B5113-XXX.	Bottle: 9ml (Lyophilized Material)	01/20/84
Baxter Healthcare Corporation, Dade Division.	Moni-Trol Level II.X Special Order Request B5106-6X	Bottle: 18ml (Lyophilized Material)	06/30/83
Baxter Healthcare Corporation, Dade Division.	Moni-Trol. ES Level I Chemistry Control, Assayed	Bottles: 9ml, 6.7ml (Lyophilized Material)	07/15/83
Baxter Healthcare Corporation, Dade Division.	Moni-Trol. ES Level I.X Special Order Request Catalog No. B5106-75AAA Catalog No. B5106-1XAAA.	Bottle: 18ml, 9ml (Lyophilized Material)	06/27/86
Baxter Healthcare Corporation, Dade Division.	Moni-Trol. ES Level II Chemistry Control, Assayed	Bottles:9ml, 6.7ml (Lyophilized Material)	07/15/83
Baxter Healthcare Corporation, Dade Division.	Moni-Trol. ES Level II.X Special Order Request Catalog No. B5106-85AAA Catalog No. B5106-2XAAA.	Bottle: 18ml, 9ml (Lyophilized Material)	06/27/86
Baxter Healthcare Corporation, Dade Division.	Owren's Veronal Buffer	Bottle: 18ml	08/16/71
Baxter Healthcare Corporation, Dade Division.	Rabbit Anti-Human TSH Serum, Catalog No. CA-2109	Glass Vial:20 ml	09/09/86
Baxter Healthcare Corporation, Dade Division.	Stratus Immunoassay Control, Level I-Low	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Healthcare Corporation, Dade Division.	Stratus Immunoassay Control, Level II-Intermediate	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Healthcare Corporation, Dade Division.	Stratus Immunoassay Control, Level III-High	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Healthcare Corporation, Dade Division.	Stratus Phenobarbital Calibrators B, C, D, E, & F	Glass Vial: 3ml	06/27/83
Baxter Healthcare Corporation, Dade Division.	Stratus Phenobarbital Conjugate	Glass Vial: 6ml	01/25/82
Baxter Healthcare Corporation, Dade Division.	Stratus Phenobarbital Fluorometric Enzyme Immunoassay Kit (Catalog No. B5700-22).	Kit:120 tests	03/10/87
Baxter Healthcare Corporation, Dade Division.	Stratus TDM Control Level I-Low B5700-2	Glass Vial: 9ml (Lyophilized Material)	01/21/82
Baxter Healthcare Corporation, Dade Division.	Stratus TDM Control Level II-Intermediate B5700-3	Glass Vial: 9ml (Lyophilized Material)	01/21/82
Baxter Healthcare Corporation, Dade Division.	Stratus TDM Control Level III-High B5700-4	Glass Vial: 9ml (Lyophilized Material)	01/21/82
Baxter Healthcare Corporation, Dade Division.	Stratus Therapeutic Drug Monitoring (TDM) Controls (Catalog No. B5700-1).	Kit:9 Vials	03/10/87
Baxter Healthcare Corporation, Dade Division.	Thrombin Reagent (Bovine)	Bottle: 5ml (Lyophilized Material)	08/16/71
Baxter Healthcare Corporation, Dade Division.	Tri Rac R Immunoassay Control Level II Intermediate	Bottle: 9 ml (Lyophilized Material)	04/11/85
Baxter Healthcare Corporation, Dade Division.	Tri Rac R Immunoassay Control Level III High	Bottle: 9 ml (Lyophilized Material)	04/11/85
Baxter Healthcare Corporation, Dade Division.	Tri-Rac R Immunoassay Control, Level I-Low	Bottle: 9ml (Lyophilized Material)	04/11/85
Beckman Instruments, Inc.			
Beckman Instruments, Inc.	Beckman B-1 Buffer	Plastic Vial: 15 g	05/22/79
Beckman Instruments, Inc.	Beckman Buffer B-2	Packet: 18.16 g	04/24/71
Beckman Instruments, Inc.	Beckman ICS Drug Calibrators A, B, C, D, and E.	Vials: 5ml	10/29/80
Beckman Instruments, Inc.	Beckman ICS Drug Control Sera	Kit containing: 6-1ml bottles.	11/11/80
Beckman Instruments, Inc.	Beckman ICS Phenobarbital Conjugate	Vial: 5ml	10/29/80
Beckman Instruments, Inc.	Beckman LD Buffer	Bottle: 14.3 grams	07/31/86
Beckman Instruments, Inc.	Beckman LD Buffer	Bottle: 14.3 grams	07/31/86
Beckman Instruments, Inc.	Paragon Electrophoresis System: Immunofixation Electrophoresis (IFE) Kit.	Plastic Tray: 3.5ml	07/31/86
Beckman Instruments, Inc.	Paragon Electrophoresis System: Lactate Dehydrogenase Isoenzyme Electrophoresis (LD) Kit.	Plastic Tray: 3.5ml	07/31/86
Beckman Instruments, Inc.	Paragon Electrophoresis System: Protein Electrophoresis (SPE-II) Kit.	Plastic Tray: 3.5ml	07/31/86
Becton Dickinson & Company			
Becton Dickinson & Company	Antibody Coated Tubes	Metallized Plastic Bag: 50 Tubes/Bag	02/13/78
Becton Dickinson & Company	Barbital Buffer Solution, Catalog No. 246514	Bottle: 1 ounce	08/01/84
Becton Dickinson & Company	Euthyroid Reference Standard, Catalog No. 237418	Vial: 4ml	09/27/78
Becton Dickinson & Company	Human Thyroid Stimulating Hormone (hTSH) Radioimmunoassay Kit [125I], Catalog No. 262994.	Kit: 200 tubes	09/04/86
Becton Dickinson & Company	Human Thyroid Stimulating Hormone (hTSH) Radioimmunoassay Kit (125I) Catalog No. 258423.	Kit: 250 tubes	08/01/84
Becton Dickinson & Company	IQ Immunochemistry System, Thyroid Stimulating Hormone Catalog No. 3010.	Kit: 25 tests	06/30/87
Becton Dickinson & Company	Neonatal TSH Antiserum, Catalog No. 244716	Vial: 50 ml	08/01/84
Becton Dickinson & Company	Precipitating Antiserum, Catalog No. 247618	Vial: 50 ml	08/01/84
Becton Dickinson & Company	Simul Trac Free T4/TSH Antiserum, No. 262641	Vial: 1 oz	02/21/86
Becton Dickinson & Company	Simul Trac Free T4[57 Co]/TSH[125I] Radioimmunoassay Kit, No. 262625.	Kit: 200 tubes	02/21/86
Becton Dickinson & Company	T3 Antibody Coated Tubes, Catalog No. 237213	Box containing 100 tubes	09/27/78
Becton Dickinson & Company	T3 Tracer Solution Catalog No. 237728	Bottle: 125ml	09/27/78

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Becton Dickinson & Company	T4 Tracer Solution Catalog No. 232611	White NALGENE Polypropylene Bottle: 125 ml.	02/13/78
Becton Dickinson & Company	TSH (125I) Tracer, Catalog No. 243621	Vial: 50 ml	08/01/84
Becton Dickinson & Company	TSH Antiserum, Catalog No. 263001	Clear Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH Antiserum, Catalog No. 258431	Vial: 50 ml	08/01/84
Becton Dickinson & Company	TSH Standard A, Catalog No. 259829	Amber Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH Standard B, Catalog No. 259837	Amber Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH Standard C, Catalog No. 259845	Amber Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH Standard D, Catalog No. 259853	Amber Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH Standard E, Catalog No. 263052	Amber Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH Standard F, Catalog No. 263061	Amber Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH [125I] Tracer, Catalog No. 259624	Clear Vial: 10ml	09/04/86
Behring Diagnostics			
Behring Diagnostics	IEP Buffer, 793001 pH 8.2	Foil Pouch: 6.5 g.	09/17/79
Behring Diagnostics	Immuno-tec II Agarose Plate, 839013, 850013	Foil Pouch: "5.35" x "5.25"	09/17/79
Bio-Rad Laboratories			
Bio-Rad Laboratories	Lyphochek Therapeutic Drug Monitoring Control (TDM), Levels I, II, III.	Vial: 10ml	08/20/84
Bio-Rad Laboratories	Lypochek Immunoassay Control Levels I, II, III	Vial: 10 ml	09/24/87
Bio-Rad Laboratories	Lypochek Quantitative Urine Control Levels I and II	Vial: 20 ml, 50 ml	09/24/87
Bio-Rad Laboratories	Lypochek Unassayed Chemistry Control (Bovine) Levels I, II.	Vial: 20 ml	09/24/87
Bio-Rad Laboratories	Lypochek Unassayed Chemistry Control (Human) Levels I, II.	Vial: 20 ml	09/24/87
Bio-Rad Laboratories	Quantaphase Thyroxine RIA-125I Tracer/Dissociating Reagent.	Plastic bottle: 60ml, 260ml	05/06/81
Bio-Rad Laboratories	Quantaphase Thyroxine RIA-Thyroxine Immunobeads	Plastic bottle: 60ml, 260ml	05/06/81
Bio-Rad Laboratories	Quantimune Barbital Buffer	Plastic Bottle: 1000ml, 250ml, 200ml	05/31/78
Bio-Rad Laboratories	Quantimune Radioimmunoassay T-4 Tracer, Iodine-125	Vial: 10 ml	07/21/76
Bio-Rad Laboratories	Quantimune T-3 RIA Barbital Buffer	Bottle: 220ml	09/24/82
Bio-Rad Laboratories	Quantimune T-3 RIA Test Kit	Kit: 500 tests, 100 tests	05/31/78
Bio-Rad Laboratories	Quantimune T-4 RIA Kit	Kit: 500 tests	07/01/77
Bio-Rad Laboratories	Quantimune T-4 RIA Test Kit	Kit: 5000 tests, 100 tests	05/31/78
Bio-Rad Laboratories	Quantimune Thyroxine Radioimmunoassay Barbital Buffer	Plastic Bottle with Screw cap: 1 liter	07/01/77
Bio-Rad Laboratories	Quantimune Thyroxine Radioimmunoassay T-4 125I Tracer/Dissociating Agent.	Glass Serum Vial: 10 ml	07/01/77
Bio-Rad Laboratories	T-4 Competitive Binding Reagent, Iodine-125	Bottle: 385 ml	07/21/76
Bio-Rad Laboratories	Urine Toxicology Control No. C-470-25	Amber Vial: 50ml	09/19/79
Bio-Rad Laboratories, (Chemical Division)			
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer	Vial: 10ml	07/21/76
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer Powder	Plastic bottle: 250ml	07/21/76
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer Powder	Plastic bottle: 250 ml	09/09/77
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer-Dry Pack	Packages: 9.11 g., 18.21 g., 12.14 g.	05/09/74
Bio-Rad Laboratories, (Chemical Division)	Bio-Rad Electrophoresis Buffer	Bottle: 500ml	12/14/72
Bio-Rad Laboratories, (Chemical Division)	Electrophoresis Buffer, Dry-Pack	Package: 6.15 g.	12/14/72
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer I, pH 8.6	Dry-pack: 25.6 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer II, pH 8.6	Dry-pack: 15.61 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer III, pH 8.6	Dry-pack: 6.82 g.	01/22/76
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer III-a, pH 8.8	Dry-pack: 15.07 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Reagent No. 3	Bottle: 165 ml	12/14/72
Biodiagnostic International			
Biodiagnostic International	Liqui-Ura Toxic Control	Vial: 5ml	03/11/85
Biodiagnostic International	Urine - Tox Control	Vial: 5 ml	04/01/85
Bioscientific, Corporation			
Bioscientific, Corporation	ECA Buffer, Catalog No. ECA 05805	Plastic Packet: 18.0 g., 10 packets per box.	07/14/77
California Bionuclear Corporation			
California Bionuclear Corporation	Amobarbital-2-C-14, Catalog No. 72077	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Cocaine (methoxy-C-14) Catalog No. 72182	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	D-Amphetamine (propyl-1-C-14) Sulfate, Catalog No. 72078.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	DL-Amphetamine (propyl-1-C-14) Sulfate, Catalog No. 72079.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Meperidine (N-methyl-C-14) Hydrochloride, Catalog No. 72508.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Mescaline (aminomethylene-C-14) Hydrochloride, Catalog No. 72512.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Methadone (heptanone-2-C-14) Hydrochloride, Catalog No. 72516.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Methamphetamine (propyl-1-C-14) Sulfate, Catalog No. 72517.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Methylphenidate (carbonyl-C-14) Hydrochloride, Catalog No. 72550.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
California Bionuclear Corporation	Morphine (n-methyl-C-14) Hydrochloride, Catalog No. 72560	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Pentobarbital-2-C-14, Catalog No. 72618	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Secobarbital-2-C-14, Catalog No. 72675	Ampule: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
Cambridge Medical Diagnostics, Incorporated			
Cambridge Medical Diagnostics, Incorporated.	125I Human Parathyroid Hormone 44-68	Vial: 5ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	125I-Tetraiodothyronine	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	125I-Triiodothyronine	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Donkey Anti Goat Gamma Globulin	Vial: 5ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Parathyroid Hormone (Human 1-84) Standard	6 Vials: 5ml each	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Parathyroid Hormone Assay Buffer	Vial: 10ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T3 AntiSerum (Rabbit)	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T3 Standard	Vial: 1ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T4 Antiserum (Rabbit)	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T4 Standard	Vial: 1ml	03/29/85
Ciba Corning Diagnostics Corp.			
Ciba Corning Diagnostics Corp.	AACC Tox	Glass Vial: 30ml	01/20/86
Ciba Corning Diagnostics Corp.	Gilford Bi-Level Anticonvulsant/ Antiasthmatic Control	Kit Contains: 5 Vials each level	10/22/85
Ciba Corning Diagnostics Corp.	Gilford Bi-Level Anticonvulsant/ Antiasthmatic Control, Level I & II.	Vials:10ml	10/22/85
Ciba Corning Diagnostics Corp.	Gilford Bi-Level Toxicology Control	Kit: Contains: 5 Vials each level	12/16/85
Ciba Corning Diagnostics Corp.	Gilford Bi-Level Toxicology Control,Level I & II	Vials:10ml	12/16/85
Ciba Corning Diagnostics Corp.	Gilford TDM Control Levels I-III	Vial:6ml	10/22/85
Ciba Corning Diagnostics Corp.	Gilford Tri Level TDM Control	Kit Contains: 5 Vials each level	10/22/85
Ciba Corning Diagnostics Corp.	Gilford Urine Control II	Vial:30ml	05/22/85
Ciba Corning Diagnostics Corp.	Gilford Urine Toxicology Control	Vial:30ml	12/16/85
Ciba Corning Diagnostics Corp.	Immophase Ferritin Controls	Glass Vial: 3 ml	01/19/87
Ciba Corning Diagnostics Corp.	Immophase Ferritin Standards	Glass Vial: 5 ml	09/16/86
Ciba Corning Diagnostics Corp.	Magic Ferritin 2000 Standard	Plastic Vial: 1 ml	01/19/87
Ciba Corning Diagnostics Corp.	Magic Ferritin Controls	Plastic Vial: 5 ml	01/19/87
Ciba Corning Diagnostics Corp.	Magic Ferritin Standards	Polypropylene Vial: 3 ml	09/16/86
Ciba Corning Diagnostics Corp.	Magic Ferritin Zero Standard	Plastic Vial: 50 ml	01/19/87
Ciba Corning Diagnostics Corp.	Reagent A- Alt 14	Vial: 15 ml	03/24/79
Ciba Corning Diagnostics Corp.	Reagent A- Alt 7	Vial:15 ml	03/24/79
Ciba Corning Diagnostics Corp.	Reagent A-Ammonia 10	Vial:10 ml	03/24/79
Ciba Corning Diagnostics Corp.	Special Barbital Buffer Set, Catalog No. 470182	Vial: 3 per kit	04/17/79
Ciba Corning Diagnostics Corp.	Universal Electrophoresis Film Agarose, Catalog No. 470100.	Plates: 12 per kit	04/17/79
Ciba Corning Diagnostics Corp.	Universal PHAB Buffer Set Catalog No. 470180	Kit: 3 vials per kit	09/26/79
Cone Biotech, Inc.			
Cone Biotech, Inc.	QCM-UTI	Vial: 20ml	03/07/85
Cone Biotech, Inc.	RIATRAC-Three Level Ligand Assay Controls	Vials: 8ml	02/27/84
Cone Biotech, Inc.	UDM-CAP/AACC Forensic Urine Drug Testing Survey (Initial Phase).	Bottle:60 ml	08/31/87
Diamedix Corporation			
Diamedix Corporation	Barbital-Acetate Buffer, Powder 709-317	Package: 20 envelopes-10.65 g. per envelope.	07/27/72
Diamedix Corporation	CEP Plate-Amebiasis Testing 40 Test No. 730-274	Plate: 40mm x 80mm x 2.5mm	08/09/73
Diamedix Corporation	CEP VI No. 709-339	Plate: 40mm x 80mm x 2.5mm	08/09/73
Diamedix Corporation	Counterelectrophoresis (CEP) Plates for Trichinosis Testing	Plastic plates: 40mm x 80mm x 2.5mm	06/16/75
Diamedix Corporation	EDTA (0.014M)-GVB Buffer, 753-034	Bottle: 5ml	08/09/73
Diamedix Corporation	EDTA (0.01M)-GVB Buffer, 753-031	Bottle: 5ml	08/09/73
Diamedix Corporation	GVB(3+) Buffer 753-037	Bottle: 50ml	08/09/73
Diamedix Corporation	Glucose-GVB 1 Buffer, 753-036	Bottle: 50ml	08/09/73
Duo Research, Inc.			
Duo Research, Inc.	Drug Testing Assessment Program Quality Control Samples	Kit: 25 bottles	12/26/86
Duo Research, Inc.	Drug Testing Assessment Program-Quality Control Sample	Bottle: 65ml	02/27/86
Duo Research, Inc.	Drug Testing Assessment Program-Quality Control Sample Kit.	Kit: 5-65ml bottles	02/27/86

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
E.I. duPont de Nemours & Co., Incorporated			
E.I. duPont de Nemours & Co., Incorporated	(1) PREP Sample Preparation and Analysis Kit	Kit containing following:	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(2) PREP Buffer/Internal Standard and Liquid Chromatography Verifier.	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(2a) PREP Liquid Chromatography Verifier	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(2b) PREP Buffer/Internal Standard	Vial: 100ml (3 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(3) PREP Calibrators	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(3a) PREP Calibrator-Level 1	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(3b) PREP Calibrator-Level 2	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(3c) PREP Calibrator-Level 3	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(3d) PREP Calibrator-Level 4	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(4) PREP Controls	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(4a) PREP Control-Low Level	Vial: 10ml (2 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	(4b) PREP Control-High Level	Vial: 10ml (2 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Incorporated	DuPont Drug Calibrators- Levels 1 through 5	Vial: 6ml (1 vial and 2 vials/box)	04/04/86
E.I. duPont de Nemours & Co., Incorporated	DuPont Phenobarbital Assay	Vial:6 ml	10/13/86
E.I. duPont de Nemours & Co., Incorporated	DuPont U Amp Enzyme Pack Reagent	Bottle:1 liter	10/19/87
E.I. duPont de Nemours & Co., Incorporated	DuPont U Barb Enzyme Pack Reagent	Bottle:1 liter	10/19/87
E.I. duPont de Nemours & Co., Incorporated	DuPont U Benz Enzyme Pack Reagent	Bottle:1 liter	10/19/87
E.I. duPont de Nemours & Co., Incorporated	DuPont U COC Enzyme Pack Reagent	Bottle:1 liter	10/19/87
E.I. duPont de Nemours & Co., Incorporated	DuPont U OPI Enzyme Pack Reagent	Bottle:1 liter	08/28/87
E.I. duPont de Nemours & Co., Incorporated	DuPont Urine Drugs-of-Abuse Calibrator (Levels 0,1,2)	Box:6 Vials,6ml Vial	07/27/87
E.I. duPont de Nemours & Co., Incorporated	DuPont Urine Drugs-of-Abuse Control	Vial:6 ml	08/03/87
E.I. duPont de Nemours & Co., Incorporated	DuPont aca Barbiturate Screen Analytical Test Pack	Plastic Packs: 25 tests	12/23/84
E.I. duPont de Nemours & Co., Incorporated	DuPont aca Barbiturate Screen/Benzodiazepine Screen Calibrator.	6 Vials: 3ml	02/23/84
E.I. duPont de Nemours & Co., Incorporated	DuPont aca Benzodiazepine Screen Analytical Test Pack	Plastic Packs: 25 tests	02/23/84
E.I. duPont de Nemours & Co., Incorporated	Phenobarbital Calibrator- Level 1	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Incorporated	Phenobarbital Calibrator- Level 2	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Incorporated	Phenobarbital Calibrator- Level 3	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Incorporated	Phenobarbital Calibrator- Level 4	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Incorporated	Phenobarbital Calibrator- Level 5	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Incorporated	Thyronine (TU) Uptake Flex(tm) Reagent Cartridge	Plastic container: 2.3ml (20 tests)	04/28/86
E.I. duPont de Nemours & Co., Incorporated	Urine Amphetamine (U Amp) Test Pack	Carton:50 tests	08/27/87
E.I. duPont de Nemours & Co., Incorporated	Urine Barbiturate (U Barb) Test Pack	Carton:50 tests	08/27/87
E.I. duPont de Nemours & Co., Incorporated	Urine Benzodiazepine (U Benz) Test Pack	Carton:50 tests	08/27/87
E.I. duPont de Nemours & Co., Incorporated	Urine Cocaine (U COC) Test Pack	Carton:50 tests	08/27/87
E.I. duPont de Nemours & Co., Incorporated	Urine Opiate (U OPI) Test Pack	Carton:50 tests	07/08/87
E.I. duPont de Nemours & Co., Incorporated	aca PHNO Analytical Test Pack	Carton: 40 tests packs	08/25/77
E.I. duPont de Nemours & Co., Incorporated	aca Thryonine Uptake Analytical Test Pack	Plastic Pack: 1 test	08/25/83
E.I. duPont de Nemours & Co., Inc., NEN Products			
E.I. duPont de Nemours & Co., Inc., NEN Products.	(+)-DMBB NET 735	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	10/16/81
E.I. duPont de Nemours & Co., Inc., NEN Products.	5-Cyclohexenyl-3,5,-Dimethyl barbituric Acid (3H(G)), Catalog No. NET-426.	Combi-Vial:250 microcuries, 1 millicurie, and 5 millicuries.	01/04/77
E.I. duPont de Nemours & Co., Inc., NEN Products.	5-Ethyl-5-Phenylbarbituric Acid (3H(G)), Catalog No. NET-401.	Combi-Vial: 250 microcuries, 5 millicuries	08/25/75
E.I. duPont de Nemours & Co., Inc., NEN Products.	Acetaldehyde (1,2-14C) as Paraldehyde, Catalog No. NEC-158.	Pyrex Glass Breakseal Tube: 250 microcuries, 1 millicurie.	01/04/77
E.I. duPont de Nemours & Co., Inc., NEN Products.	Cocaine, Levo-[Benzoyl] [3.4-3H(N)] Catalog No. NET-510	Combi-Vial: 100 microcuries, 250 microcuries.	01/04/77
E.I. duPont de Nemours & Co., Inc., NEN Products.	Cyclohexenyl-3,5-Dimethyl Barbituric Acid,5-[2-14C], Catalog No. NEC-653.	Combi-Vial: 0.050 millicuries, 0.250 millicuries.	08/25/75
E.I. duPont de Nemours & Co., Inc., NEN Products.	DMBB [Butyl-2,3,4-3H(N)] Catalog No. NET690	Combi-Vial:0.250 millicuries, 1.0 millicurie	02/04/81
E.I. duPont de Nemours & Co., Inc., NEN Products.	Diazepam [Methyl-3H] Catalog No. NET-564	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	09/06/79
E.I. duPont de Nemours & Co., Inc., NEN Products.	Dihydromorphine [7,8-3H(N)]	Combi-Vial: 250 microcuries, 1 millicurie	01/04/77
E.I. duPont de Nemours & Co., Inc., NEN Products.	Dihydromorphine[N-Methyl-3H] NET-658	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	02/29/80
E.I. duPont de Nemours & Co., Inc., NEN Products.	Ethyl-5-(1-Methylbutyl) Barbituric Acid 5-[ring-2-14C],Catalog No. NEC-389.	Combi-Vial: 0.100 millicuries, 0.500 millicuries.	08/25/75
E.I. duPont de Nemours & Co., Inc., NEN Products.	Ethyl-5-Phenylbarbituric Acid 5-[ring-2-14C], Catalog No. NEC-337.	Combi-Vial: 0.050 millicuries, 0.250 millicuries.	08/25/75
E.I. duPont de Nemours & Co., Inc., NEN Products.	Ethyl-5-Phenylbarbituric Acid,5-[3H(G)], Catalog No. NET401.	Combi Vial:0.250 millicuries, 1.0 millicurie	07/24/84
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Glutethimide (3H(G)), Catalog No. NET-417	Combi-Vial:250 microcuries, 1 millicurie, and 5 millicuries.	01/04/77
E.I. duPont de Nemours & Co.,Inc., NEN Products.	LSD [N-Methyl-3H] NET-638	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	11/06/79
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Lysergic Acid Diethylamide (2-3H (N)) Catalog No. NET-447	Combi-Vial: 0.050 microcuries	01/04/77
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Mazindol (4'-3H) Catalog No.NET-816	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	05/17/84

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Mescaline Hydrobromide, Catalog No. NEC-186	Combi-Vial: 0.050 millicuries, 0.250 millicuries.	08/25/75
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Methadone Hydrobromide Dextro [1-3H] Catalog No. NET-488.	Combi-Vial: 1 millicurie	01/04/77
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Methadone Hydrobromide Levo-[2-14C] Catalog No. NEC-696.	Combi-Vial: 0.050 millicurie, 0.250 millicurie.	01/04/77
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Methadone Hydrobromide, Levo[1-3H] Catalog No. NET-357.	Combi-Vial: 1 millicurie	01/04/77
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Methylphenidate, +/− threo[methyl-3H]NET-857	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	06/11/84
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Morphine [N-methyl-3H] NET-653	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	02/29/80
E.I. duPont de Nemours & Co.,Inc., NEN Products.	N-[1-(2-Thienyl) Cyclohexyl]-3,4-Piperidine (Piperidyl-3,4-3H) NET-886.	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	06/11/84
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Oxymorphone HCL [N-Methyl-3H] NET-666	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	04/11/80
E.I. duPont de Nemours & Co.,Inc., NEN Products.	Phencyclidine [Piperidyl-3,4-3H(N)], Catalog No.NET-630	Combi-Vial: 0.250 millicurie, 1.0 millicurie	09/06/79
E.I. duPont de Nemours & Co.,Inc., NEN Products.	d-Amphetamine Sulfate (3H(G)), Catalog No. NET-140	Combi-Vial: 250 microcuries, 1 millicurie, and 5 millicuries.	01/04/77
EM Diagnostic Systems, Inc.			
EM Diagnostic Systems, Inc.	EMDS Antiepileptic Drug Calibrator Item No. 67630/95	Box: 3 Vials, 5 ml each	06/11/86
EM Diagnostic Systems, Inc.	EMDS Test Packs, Phenobarbital (PHENO) Item No. 67677/95.	Carton:48 Test Packs	09/09/86
EM Diagnostic Systems, Inc.	Easytest Phenobarbital Assay Item No. 67534/93	Cuvette:1.8ml (40 cuvettes /carton)	06/11/86
Eastman Kodak Company			
Eastman Kodak Company	Kodak Ektachem Specialty Calibrator	Vial:3ml	09/13/85
Eastman Kodak Company	Kodak Ektachem Specialty Control	Vial:3ml	09/13/85
Electro-Nucleonics Laboratories, Incorporated			
Electro-Nucleonics Laboratories, Incorporated.	VIRGO IPA Immuno-Precipitation Assay for Phenobarbital	Kit	11/30/82
Endocrine Metabolic Center			
Endocrine Metabolic Center	0.1% Lysozyme-Barbital Buffer, 0.05M	Glass Bottle:2 liter	05/28/87
Endocrine Metabolic Center	1% Lysozyme-Barbital Buffer, 0.05M	Glass Bottle:2 liter	05/28/87
Endocrine Metabolic Center	Barbital Buffer, 0.05M	Plastic Bottle:3000 ml	05/28/87
Endocrine Metabolic Center	Barbital Buffer, 0.1M	Plastic Bottle:3000 ml	05/28/87
Endocrine Metabolic Center	Tracer Diluent	Glass Bottle:1 or 2 liter	05/28/87
Environmental Diagnostics, Inc.			
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid Enzyme Conjugate	Ampule:1 ml	02/03/87
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid Kit Catalog No. 216-2BP	Kit: 1 test	02/03/87
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid Positive Control	Ampule:1 ml	02/03/87
Fisher Scientific			
Fisher Scientific	Electrophoretic Buffer No. 1 pH 8.60, Ionic Strength 0.05, Catalog No. E-1.	Packet: 12.14 g	10/27/72
Fisher Scientific	Electrophoretic Buffer No. 2, pH 8.60, Ionic Strength 0.075, Catalog No. E-2.	Packet: 18.16 g	10/27/72
Fisher Scientific	Owren's Veronal Buffer, CS1094-34	Vial:10 ml	08/18/86
Fisher Scientific	Owren's Veronal Buffer, CS1094-38	Vial:25 ml	08/18/86
Fisher Scientific	SeraChem Abnormal Clinical Chemistry Control Serum (Human) Unassayed No. 2906.	Vial: 5ml, 10ml	04/16/82
Fisher Scientific	SeraChem Abnormal Clinical Chemistry Control Serum (Human), Assayed No. 2905.	Vial: 5ml	04/16/82
Fisher Scientific	SeraChem Clinical Chemistry Control Serum (Bovine), Unassayed Level I No. 3110.	Vial: 5ml, 10ml	04/16/82
Fisher Scientific	SeraChem Clinical Chemistry Control Serum (Bovine), Unassayed Level II No. 3111.	Vial: 5ml, 10ml	04/16/82
Fisher Scientific	SeraChem Normal Clinical Chemistry Control Serum (Human), Assayed No.2907.	Vial: 5ml	04/16/82
Fisher Scientific	Serachem Normal Clinical Chemistry Control Serum (Human), Unassayed No. 2908.	Vial: 5ml, 10ml	04/16/82
Fisher Scientific	TDM Cal	Kit: 7 Vials	11/26/86
Fisher Scientific	TDM Cal (B-F)	Vials: 5 ml	11/26/86
Fisher Scientific	Thera Chem TDC Therapeutic Drug Controls, Low and High Levels, 2840-58.	Kit: 6 vials	01/12/84
Fisher Scientific	TheraChem-Plus TDC Therapeutic Drug Controls, Tri-Level, No. 2845-94.	Kit: 9 vials	03/19/86
Fisher Scientific	Therapeutic Drug Control, High Level III, No. 2848-31	Vial: 5ml	03/19/86
Fisher Scientific	Therapeutic Drug Control, High Level, 2842-31	Vial: 5ml	01/12/84
Fisher Scientific	Therapeutic Drug Control, Low Level I, No. 2846-31	Vial: 5ml	03/19/86
Fisher Scientific	Therapeutic Drug Control, Low Level, 2841-31	Vial: 5ml	01/12/84
Fisher Scientific	Therapeutic Drug Control, Mid-Range Level II, No. 2847-31	Vial: 5ml	03/19/86
Fisher Scientific	Urine Chemistry Control (Human) Level II, No. 2935-80	Vial: 25ml	04/06/78
Fisher Scientific	Urine Toxicology Control No. 2950-61	Vial: 25ml	04/06/78

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Flow Laboratories			
Flow Laboratories	DGV No. 28-010	Bottle: 125 ml	04/16/73
Flow Laboratories	Human "O" DGV (Dextrose Gelatin Veronal Buffer) No. 28-080.	Glass Vial: 100 ml	10/14/76
GIBCO Laboratories			
GIBCO Laboratories	Complement Fixation Buffer Solution, pH 7.3-7.4, NDC 0118115-0247-1.	Bottle: 1 liter	01/28/74
GIBCO Laboratories	Complement Fixation Buffer Solution, pH 7.3-7.4, NDC 011815-0247-2.	Bottle:500 ml	04/05/77
GIBCO Laboratories	Dextrose-Gelatin-Veronal Buffer Solution NDC No.815-0566-1 and No.815-0566-2.	Bottle: 100 and 500 ml	07/05/73
GIBCO Laboratories	Electrophoresis Buffer Solution, pH 8.6, NDC 011815-0245-1.	Bottle: 1 liter	01/28/74
GIBCO Laboratories	I.E.P. Buffer Solution pH 8.2 NDC 011815-0246-1	Bottle: 1 liter	01/28/74
Gelman Sciences, Inc.			
Gelman Sciences, Inc.	Drug Control Set No 51911	Set: 3 vials of 50 ml each	04/06/72
Gelman Sciences, Inc.	Drug Standard Set, No 51910	Set: 3 vials of 2 ml each	04/06/72
Gelman Sciences, Inc.	Hi-Phore Buffer	Glass Vial: 15 g.	02/11/82
Gelman Sciences, Inc.	High Resolution Buffer-Tris Barbital Buffer No 51104	Vial: 10 dr	12/22/71
Gumm Chem. Co.			
Gumm Chem. Co.	Niflow Initial Additive	Drums: 5 Gallons	09/30/85
Gumm Chem. Co.	Niflow Maintenace Additive	Drums:5 Gallons	09/30/85
Hach Chemical Co.			
Hach Chemical Co	pH 8.3 Buffer Powder Pillows. No.898-98	Pillow: 1 g. each	11/30/71
Helena Laboratories			
Helena Laboratories	CK-LD Buffer Catalog No. 5808	Packet:18.332 g., 10 packets/box	03/26/86
Helena Laboratories	Electra B1 Buffer, Catalog No.5016	Packet:12.14 g. 10 packets/box	12/28/73
Helena Laboratories	Electra B2 Buffer, Catalog No. 5017	Packet: 18.2 g. 10 packets/box	12/28/73
Helena Laboratories	Electra HR Buffer, Catalog No. 5805	Packet: 18.1 g. 10 packets/box	12/28/73
Helena Laboratories	HDL Electrophoresis Buffer	Packet: 36 g.	12/18/85
Helena Laboratories	Isoamylase Cathode Buffer	Packet:9.7 g.	12/18/85
Helena Laboratories	Isoamylase Kit Catalog No. 5925	Kit: 2 Packets Cathode Buffer	01/24/86
Helena Laboratories	Super Z-12XHDL Cholesterol Supply Kit Catalog No. 5470)	Kit:3 Packages buffer 36 g.	01/24/86
Helena Laboratories	Titan Gel High Resolution Protein Buffer	Packet:25.9 g.	04/12/83
Helena Laboratories	Titan Gel High Resolution Protein Kit Catalog No. 3040	Kit:10 Plates (90mm X 75mm), 2 Packages Buffer.	03/03/86
Helena Laboratories	Titan Gel High Resolution Protein Plate	Plate:(90mm X 75mm)	03/03/86
Helena Laboratories	Titan Gel IFE Buffer	Packet:25.9 g.	12/18/85
Helena Laboratories	Titan Gel IFE Plate	Plate:(90mm X 75mm)	03/05/86
Helena Laboratories	Titan Gel Immuno Fix Kit Catalog No.3046	Kit:10 Plates (90mm X 75mm), 2 Packets IFE Buffer.	01/24/86
Helena Laboratories	Titan Gel Iso Dot LDH Buffer	Packet:19.6 g.	01/07/86
Helena Laboratories	Titan Gel Iso Dot LDH Isoenzyme Plate	Plate:(90mm X 75mm)	12/18/85
Helena Laboratories	Titan Gel Iso Dot LDH Kit Catalog No.3062	Kit:10 Plates (90mm X 75mm),1 Packet Iso Dot LDH Buffer.	01/24/86
Helena Laboratories	Titan Gel LD Buffer	Packet:21.5 g	11/26/86
Helena Laboratories	Titan Gel LD Isoenzyme Diluent	Bottle:10 ml	11/26/86
Helena Laboratories	Titan Gel LDH Isoenzyme Buffer	Packet: 22.7 g.	03/07/83
Helena Laboratories	Titan Gel LDH Isoenzyme Plate	Plate:(90mm X 75mm)	12/18/85
Helena Laboratories	Titan Gel LDH Isoenzyme Reagent	Vial:2ml, 10 vials/box	01/07/86
Helena Laboratories	Titan Gel Lipoprotein Buffer	Packet:17.3 g.	12/18/85
Helena Laboratories	Titan Gel Lipoprotein Kit Catalog No.3045	Kit:1 Packet Buffer	01/24/86
Helena Laboratories	Titan Gel Lipoprotein Plate	Plate: (90 x 75 mm)	01/09/87
Helena Laboratories	Titan Gel Multi-Slot Lipo-17 Kit Catalog No. 3095	Kit: 10 plates (81 x 143 mm) 1 packet buffer (21.6 g).	01/09/87
Helena Laboratories	Titan Gel Multi-Slot Lipo-17 Plate	Plate: (81 x 143 mm)	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP-17 Kit Catalog No. 3091	Kit: 10 plates (81 x 143 mm) 1 packet buffer (29.1 g).	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP-17 Plate	Plate: 81 x 143 mm	01/09/87
Helena Laboratories	Titan Gel Serum Protein Buffer	Packet:29.1 g.	04/12/83
Helena Laboratories	Titan Gel Serum Protein Kit Catalog No. 3041	Kit:10 Plates (90mm X 75mm), 1 Packet Buffer.	01/24/86
Helena Laboratories	Titan Gel Serum Protein Plate	Plate:(90mm X 75mm)	12/18/85
Helena Laboratories	Titan Gel Silver Stain Buffer	Packet:25.9g	12/18/85
Helena Laboratories	Titan Gel Silver Stain Kit Catalog No.3095	Kit:10 Plates (90mm X 75mm), 2 Packets Buffer.	01/24/86
Helena Laboratories	Titan Gel Silver Stain Plate	Plate:(90mm X 75mm)	03/03/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Kit Catalog No. 3053	Kit: 10 Plates (90mm X 75mm), 1 Packet LDH Buffer, 1 Box LDH Reagent.	01/24/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Plate	Plate:(90mm X 75mm)	12/18/85
Helena Laboratories	Titan III Agar Catalog No. 5023	Packet:5 g. (5 Packets/box)	12/28/73
Helena Laboratories	Titan IV IE Plate (large)	Package: plates, 3 by 4 in.	12/28/73
Helena Laboratories	Titan IV IE Plate (small)	Package: plates, 1 by 3 in.	12/28/73
Helena Laboratories	Titan IV IE Plate Kit	Kit:10 large (3 by 4 in.) IE Plates, 1 box B1 Buffer.	12/28/73

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Helena Laboratories	Titan IV IE Plate Kit	Kit: 12 small (1 by 3 in.) IE plates,1 box B1 Buffer.	12/28/73
Hoffman-LaRoche, Inc.			
Hoffman-LaRoche,Inc.	125I T3 (for T3 Uptake Radioassay)	Vial:15ml	07/22/81
Hoffman-LaRoche,Inc.	Abuscreen 125I Amphetamine Reagent	Vial:30ml, 500ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen 125I Benzoylecgonine Reagent	Vial: 30ml, 500ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen 125I Methaqualone Reagent	Vial:30ml, 500ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen 125I Morphine Reagent	Vial:30ml, 500ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen 125I Oxazepam Reagent	Vial:30ml, 500ml	03/06/87
Hoffman-LaRoche, Inc.	Abuscreen 125I Phencyclidine Reagent	Vial:30ml, 500ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen 125I Secobarbital Reagent	Vial:30ml, 500ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen 125I Tetrahydrocannabinol Reagent	Vial: 500ml, 30ml	08/14/81
Hoffman-LaRoche, Inc.	Abuscreen 125I-LSD Reagent	Vial:500ml, 30ml	01/28/84
Hoffman-LaRoche, Inc.	Abuscreen EIA Barbiturate Conjugate Reagent	Vial: 30 ml	10/02/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Barbiturate Enzyme Immunoassay Test Kit for Barbiturate Metabolites.	Kit:100 Tests	10/02/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Barbiturate Negative Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen EIA Barbiturate Positive Calibrator 50-1200 (in increments of 50) ng/ml.	Vial: 4 ml	10/02/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Barbiturate Positive Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen EIA Cannabinoid Positive Calibrator 50-1200 (in increments of 50) ng of THC derivative/ml.	Vial: 4ml	08/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Cannabinoid THC Conjugate Reagent	Vial: 30ml	08/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Cannabinoids Enzyme Immunoassay Test Kit for Cannabinoids.	Kit: 100 Tests	08/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Cannabinoids Negative Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen EIA Cannabinoids Positive Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen EIA Cocaine Metabolite Benzoylecgonine Conjugate Reagent.	Vial:30ml	05/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Cocaine Metabolite Benzoylecgonine Positive Calibrator 50-1200 (in increments of 50) ng/ml.	Vial:4ml	05/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Cocaine Metabolite Enzyme Immunoassay Test Kit for Benzoylecgonine.	Kit:100 tests	05/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Cocaine Metabolite Negative Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen EIA Cocaine Metabolite Positive Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen EIA Morphine Conjugate Reagent	Vial:30ml	05/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Morphine Enzyme Immunoassay Test Kit for Morphine and Morphine Metabolites.	Kit:100 tests	05/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Morphine Negative Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen EIA Morphine Positive Calibrator 50-1200 (in increments of 50) ng/ml.	Vial:4ml	05/28/86
Hoffman-LaRoche, Inc.	Abuscreen EIA Morphine Positive Control	Vial:4 ml	04/15/87
Hoffman-LaRoche, Inc.	Abuscreen Positive Ref. Control (Benzodiazepines) 25, 50, 75, 100 ng/ml or 150-1000 (in increments of 50) ng/ml.	Vial:5ml, 100ml	03/06/87
Hoffman-LaRoche, Inc.	Abuscreen Positive Ref. Control (LSD) 0.1, 0.2, 0.25, 0.3, 0.4, 0.5, 0.6, 0.7, 0.75, 0.8, 0.9, 1.0, 1.25, 1.5, 1.75, 2.0, 2.5, 5.0 or 10.0 ng/ml.	Vial:5ml, 60ml, & 100ml	01/28/86
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Control (Amphetamine) 100, 500, 750, 1000, 1500,or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Control (Barbiturate) 50, 100, 200, 300, 400, 500, 750, 1000,or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Control (Benzoylecgonine) 100, 150, 200, 300, 400, 500, 600, 750, 1000, or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Control (Methaqualone) 100, 300, 500, 750, 1000,or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Control (Morphine) 40, 50, 100, 150, 200, 300, 500, 600,or 1000 ng/ml.	Vial:6.6ml, 2 oz.	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Control (Phencyclidine) 10, 12.5, 25, 50, 75, 100, 200, or 500 ng/ml.	Vial:6.6ml, 2 oz.	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Control Cannabinoid 20, 25, 50, 100, 150, 200, 300, 400, or 500 ng/ml.	Vial:6.6ml, 100 ml	02/20/84
Hoffman-LaRoche, Inc.	Abuscreen Positive Reference Controls for Amphetamine (Single Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Standard (Amphetamine) 100, 500, 750, 1000, 1500, or 2000 ng/ml.	Vial:6.6ml, 2 oz.	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Standard (Barbiturate) 50, 100, 200, 300, 400, 500, 750, 1000,or 2000 ng/ml.	Vial:6.6ml, 2 oz.	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Standard (Benzoylecgonine) 100, 150, 200, 300, 400, 500, 750, 1000, or 2000 ng/ml.	Vial: 6.6ml, 2 oz.	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Standard (Methaqualone) 100, 300, 500, 750, 1000,or 2000 ng/ml.	Vial:6.6ml, 2 oz.	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Standard (Morphine) 40, 50, 100, 200, 300, 500, 600, or 1000 ng/ml.	Vial:6.6ml, 2 oz.	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Standard (Phencyclidine) 10, 12.5, 25, 50, 75, 100, 200,or 500 ng/ml.	Vial:6.6ml, 2 oz.	02/15/83

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Std. (Oxazepam or Desmethyldiazepam) 25, 50, 75, 100 ng/ml or 150-1000 (in increments of 100) ng/ml.	Vial:5ml, 100ml	08/28/86
Hoffman-LaRoche, Inc.	Abuscreen Positive Urine Reference Std.(LSD) 0.1, 0.2, 0.25, 0.3, 0.4, 0.5, 0.6, 0.7, 0.75, 0.8, 0.9, 1.0, 1.25, 1.5, 1.75, 2.0, 2.5, 5, or 10 ng/ml.	Vial:5ml, 60ml, & 100ml	01/28/86
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Amphetamine	Kit: 100 tests, 2500 tests	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Amphetamine High Specificity.	Kit:100 tests, 2500 tests	09/13/85
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Barbiturates	Kit: 100 tests, 2500 tests	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Benzodiazepines	Kit:100 tests, 2500 tests	03/06/87
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Cannabinoids	Kit: 100 Tests 2, 500 Tests	08/14/81
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Cocaine Metabolite	Kit: 100 Tests, 2500 Tests	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for LSD (Lysergic Acid Diethylamide).	Kit: 100 tests, 2500 tests	01/28/86
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Methaqualone	Kit: 100 tests, 2500 tests	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Morphine	Kit:100 tests, 2500 tests	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Radioimmunoassay for Phencyclidine (PCP)	Kit:100 tests, 2500 tests	02/15/83
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Amphetamine (Multi-Level).	Kit: 3 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Barbiturate (Multi-Level)	Kit: 3 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Barbiturate (Single-Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Benzodiazepines (Single-Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Cannabinoids (Multi-Level).	Kit: 3 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Cannabinoids (Single-Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Cocaine (Multi-Level)	Kit: 3 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Cocaine Metabolite (Single-Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for LSD (Lysergic Acid Diethylamide) (Multi-Level).	Kit: 3 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for LSD (Lysergic Acid Diethylamide) (Single-Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Methaqualone (Single-Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Morphine (Multi-Level)	Kit: 3 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Morphine (Single-Level)	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Phencyclidine (PCP) (Multi-Level).	Kit: 3 Vials	10/12/87
Hoffman-LaRoche, Inc.	Abuscreen Reference Controls for Phencyclidine (PCP) (Single-Level).	Kit: 2 Vials	10/12/87
Hoffman-LaRoche, Inc.	Agglutex Amphetamine Latex Reagent	Vial:2ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Amphetamine Positive Human Urine Control	Vial:5ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Amphetamine Test Kit	Kit: 20 tests, 100 tests	02/15/83
Hoffman-LaRoche, Inc.	Agglutex Barbiturate Latex Reagent	Vial:2ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Barbiturate Positive Human Urine Control	Vial:5ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Barbiturate Test Kit	Kit:20 tests, 100 tests	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Methaqualone Latex Reagent	Vial:2ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Methaqualone Positive Human Urine Control	Vial: 5ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Methaqualone Test Kit	Kit:20 tests, 100 tests	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Morphine Latex Reagent	Vial:2ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Morphine Positive Human Urine Control	Vial: 5ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Morphine Test Kit	Kit:20 tests, 100 tests	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Phencyclidine (PCP) Test Kit	Kit:20 tests, 100 tests	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Phencyclidine Latex Reagent	Vial:2ml	06/27/83
Hoffman-LaRoche, Inc.	Agglutex Phencyclidine Positive Human Urine Control	Vial:5ml	06/27/83
Hoffman-LaRoche, Inc.	Amerifluor Florescent Immunoassay -Phenobarbital	Kit: 100 tests	04/30/82
Hoffman-LaRoche, Inc.	Anti-T3 Reagent 125I T3 (for T3 Radioimmunoassay)	Vial:15ml	07/22/81
Hoffman-LaRoche, Inc.	Anti-T4 Reagent 125I T4 (for T4 Radioimmunoassay)	Vial:15ml	07/22/81
Hoffman-LaRoche, Inc.	Barbiturate Roche EIA Positive Reference Standards 50-1200 (in increments of 50) ng Secobarbital/ml.	Vial: 4 ml	10/02/86
Hoffman-LaRoche, Inc.	COBAS FP Phenobarbital Calibrators	Kit:6 Vials	11/13/84
Hoffman-LaRoche, Inc.	COBAS FP Phenobarbital Calibrators B through F	Vials:5ml	11/13/84
Hoffman-LaRoche, Inc.	COBAS FP Phenobarbital Tracer Reagent	Vial:5ml	11/13/84
Hoffman-LaRoche, Inc.	COBAS FP Reagents for Phenobarbital	Kit:100 tests	11/13/84
Hoffman-LaRoche, Inc.	COBAS FP TDM Controls	Kit:6 Vials	11/13/84
Hoffman-LaRoche, Inc.	Immunizing Preparation No. 1, 2, 3, 4, 5, 6, 7, or 8.	Vial:10, 20, 50, or 100ml	01/25/83
Hoffman-LaRoche, Inc.	Immunizing Preparation No. 9	Vial:10ml, 20ml, 50ml,or 100ml	07/24/84
Hoffman-LaRoche, Inc.	Immunizing Preparation No. 9A	Vial:10ml, 20ml, 50ml,or 100ml	07/24/84
Hoffman-LaRoche, Inc.	Immunizing Preparation No.10	Vial:10ml, 20ml, 50ml,or 100ml	04/02/86
Hoffman-LaRoche, Inc.	Immunizing Preparation No.10A	Vial:10ml, 20ml, 50ml, or 100ml	04/02/86
Hoffman-LaRoche, Inc.	Immunizing Preparations No. 1A, 2A, 3A, 4A, 5A, 6A, 7A,& 8A.	Vial:10ml, 20ml, 50ml,or 100ml	07/12/83
Hoffman-LaRoche, Inc.	NSB Reagent	Vial:2ml	07/22/81
Hoffman-LaRoche, Inc.	TDM Controls, Levels I through III	Vials:5ml	11/13/84

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
ICL Scientific			
ICL Scientific	Therapeutic Drug Control I, TDC I (High Level)	Glass Vial: 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control I, II, III, Tri-Level TDC Multipack	Glass Vials (12): 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control II, TDC II (Mid-Level)	Glass Vial: 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control III, TDC III (Low Level)	Glass Vial: 10ml	08/14/85
Industrial Analytical Laboratory, Inc.			
Industrial Analytical Laboratory, Inc.	11-Nor-Carboxy-Delta-9-Tetrahydrocannabinol	Ampule:1ml	09/04/85
Industrial Analytical Laboratory, Inc.	11-hydroxy-delta-9-tetrahydrocannabinol	Ampule:1 ml	02/18/87
Industrial Optical			
Industrial Optical	Opti-Kleen	Bottle:5 gallon	06/24/81
Innotron of Oregon, Inc.			
Innotron of Oregon, Inc.	Innofluor Phenobarbital Calibrators 0.0, 3.0, 8.0, 20.0, 40.0, and 80.0 mcg/ml.	Bottle: 3 ml	07/09/87
Innotron of Oregon, Inc.	Phenobarbital Stock Tracer	Vial: 5 ml	09/23/87
Janssen Pharmaceutica, Inc.			
Janssen Pharmaceutica, Inc.	3H Alfentanil	Vial: 0.5 ml	02/01/87
Janssen Pharmaceutica, Inc.	3H Fentanyl	Vial: 0.5 ml	02/01/87
Janssen Pharmaceutica, Inc.	3H Sufentanil	Vial: 0.5 ml	02/01/87
Janssen Pharmaceutica, Inc.	Alfentanil Radioimmunoassay Kit	Kit:200 tests	05/13/85
Janssen Pharmaceutica, Inc.	Fentanyl Radioimmunoassay Kit	Kit:200 tests	05/13/85
Janssen Pharmaceutica, Inc.	Sufentanil Radioimmunoassay Kit	Kit:500 tests	05/13/85
Kallestad Diagnostics			
Kallestad Diagnostics	Barbital Buffer 901	Vial	05/19/81
Kallestad Diagnostics	IEP Buffer No. 900	Vial:7 Dram	12/26/78
Kallestad Diagnostics	Immunoelectrofilm Catalog No.910	1 Film Sealed in Cardboard Container	03/11/80
Kallestad Diagnostics	Immunoelectrofilms, Catalog No. 1013	Styrofoam Container: 25 film	06/22/87
Kallestad Diagnostics	Immunoelectrophoresis Reagent Kit, Catalog No. 1012	Kit: 3 Vials	06/22/87
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Kit Catalog No. 823	Kit:400 Determinations	12/16/85
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Kit, Catalog No. 833	Kit:100 tests	06/24/81
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Reagent Catalog No. 785	Bottle:500ml	12/16/85
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Reagent No.834	2 Glass Bottles: 110ml	06/24/81
LKB Instruments,Inc.			
LKB Instruments,Inc.	Tris-barbiturate Buffer pH 8.6	Packet: each 6.788 g. 20 packets/box	05/15/78
Lemmon Company			
Lemmon Company	Etorphine Standard Solution	Plastic Carboy:1 Liter	10/31/83
MCI Biomedical			
MCI Biomedical	IEP Buffer, pH 8.2, 0.04 Ionic Strength	Package:6.510 grams	08/28/72
Mallinckrodt Inc.			
Mallinckrodt Inc.	(1) RIA-MAT Circulating T3 I125 Kit, Catalog No.501:	KIT CONTAINS THE FOLLOWING 8 ENTRIES:.	01/28/74
Mallinckrodt Inc.	(2) RIA-MAT T3 Antiserum	Vial:2.5ml	01/28/74
Mallinckrodt Inc.	(3) RIA-MAT T3 Buffer	Bottle:100ml	01/28/74
Mallinckrodt Inc.	(4) RIA-MAT T3 Reaction Vial	Vial:1ml	01/28/74
Mallinckrodt Inc.	(5) RIA-MAT T3 Standard 0.5ng/ml	Vial:1.5ml	01/28/74
Mallinckrodt Inc.	(6) RIA-MAT T3 Standard 0ng/ml	Vial:1.5ml	01/28/74
Mallinckrodt Inc.	(7) RIA-MAT T3 Standard 1.0ng/ml	Vial:1.5ml	01/28/74
Mallinckrodt Inc.	(8) RIA-MAT T3 Standard 2.0ng/ml	Vial:1.5ml	01/28/74
Mallinckrodt Inc.	(9) RIA-MAT T3 Standard 6.0ng/ml	Vial:1.5ml	01/28/74
Mallinckrodt Inc.	RIA-MAT T4 I-125 Kit	Kit Containing: 100 Tests and 250 tests	04/03/75
Mallinckrodt Inc.	Res-O-Mat ETR Solution	Vial:1.5 dram	02/17/72
Mallinckrodt Inc.	Res-O-Mat ETR Solution	Bottle:16 oz and imperial gallon	08/28/74
Mallinckrodt Inc.	Res-O-Mat T4 Solution	Vial:1.5 dram	02/17/72
Mallinckrodt Inc.	Res-O-Mat T4 Solution	Bottle:16 oz and imperial gallon	08/28/74
Mallinckrodt Inc.	SPAC T4 RIA Kit	Kit:50 tests,100 tests	02/01/77
Mallinckrodt Inc.	SPAC T4 RIA Kit	Kit: 500 tests	09/15/77
Mallinckrodt Inc.	T4 I125 Reaction Solution	Screwcap Bottle:2 ounce	02/01/77
Mallinckrodt Inc.	T4 I125 Reaction Solution	Screwcap Bottle: 8 ounce	09/15/77
Mallinckrodt Inc.	T4 Standard (10.0 ug pct)	Screwcap Vial: 5ml	02/01/77
Mallinckrodt Inc.	T4 Standard (10.0 ug%)	Screwcap Vial: 5ml	09/15/77
Mallinckrodt Inc.	T4 Standard (2.0 ug pct)	Screwcap Vial: 5ml	02/01/77
Mallinckrodt Inc.	T4 Standard (2.0 ug%)	Screwcap Vial: 5ml	09/15/77
Mallinckrodt Inc.	T4 Standard (20.0 ug pct)	Screwcap Vial: 5ml	02/01/77
Mallinckrodt Inc.	T4 Standard (20.0 ug%)	Screwcap Vial: 5ml	09/15/77
Mallinckrodt Inc.	T4 Standard (40.0 ug pct)	Screwcap Vial: 5ml	02/01/77
Mallinckrodt Inc.	T4 Standard (40.0 ug%)	Screwcap Vial: 5ml	09/15/77
Mallinckrodt Inc.	T4 Standard (5.0 ug pct)	Screwcap Vial: 5ml	02/01/77
Mallinckrodt Inc.	T4 Standard (5.0 ug%)	Screwcap Vial: 5ml	09/15/77
Materials & Technology Systems			
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl) Barbituric Acid	Screw Cap Vial:8ml	05/03/73
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl)Barbituric Acid Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial:8ml	05/03/73

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl)Barbituric Acid Sensitized RBC.	Vaccine Vial:8ml	05/03/73
Materials & Technology Systems	Barbiturate Standard	Screwcap Vial:10ml	09/17/76
Materials & Technology Systems	Benzoyl Ecgonine	Screw Cap Vial:25mg and 100 mg	04/18/74
Materials & Technology Systems	Benzoylecgonine Standard	Screwcap Vial:10ml	09/17/76
Materials & Technology Systems	Carboxymethyl-Morphine	Screw Cap Vial:8ml	05/03/73
Materials & Technology Systems	Carboxymethyl-Morphine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial:8ml	05/03/73
Materials & Technology Systems	Carboxymethylmorphine Sensitized RBC	Vaccine Vial:50ml	05/03/73
Materials & Technology Systems	Ecgonine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial:8ml	05/03/73
Materials & Technology Systems	Ecgonine Sensitized RBC	Vaccine Vial:50ml	05/03/73
Materials & Technology Systems	Methadone Standard	Screwcap Vial:10ml	09/17/76
Materials & Technology Systems	Morphine Standard	Screw Cap Vial:10ml	07/17/73
Materials & Technology Systems	Tropinecarboxylic Acid	Screw Cap Vial:8ml, 10ml	05/03/73
Medi-Chem, Inc.			
Medi-Chem, Inc.	Barbiturate Test Set (Sodium Secobarbital Standard 10mg % w/v) Catalog No.250.	Bottle: 120ml	02/22/74
Medical Analysis Systems, Inc.			
Medical Analysis Systems, Inc.	ACE II Calibrator for the DuPont aca Level 1	Glass Vial: 22 X 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc.	ACE II Calibrator for the DuPont aca Level 2	Glass Vial: 22 X 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc.	ACE II Calibrator for the DuPont aca Level 3	Glass Vial: 22 X 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc.	ChemTrak Liquid Unassayed	Vial:15ml	04/30/85
Medical Analysis Systems, Inc.	Chemistry Control Assayed, Level 1, 2,& 3	Vial:15ml	04/30/85
Medical Analysis Systems, Inc.	Chemistry Control, Level 1, 2,& 3	Vial:15ml	04/30/85
Medical Analysis Systems, Inc.	Liquid Urine Calibrator Level 1 and 2	Vial:5 ml	04/03/87
Medical Analysis Systems, Inc.	Liquid Urine Control Level 1	Vial:5 ml	04/03/87
Medical Analysis Systems, Inc.	TD Control Level 1	Vial: 5ml	10/08/86
Medical Analysis Systems, Inc.	TD Control Level 2	Vial: 5ml	10/08/86
Medical Analysis Systems, Inc.	TD Control Level 3	Vial: 5ml	10/08/86
Meloy Labs, Inc.			
Meloy Labs, Inc.	Counterelectrophoresis Plates, G-301	Plates:10 determinations	09/05/73
Meloy Labs, Inc.	Immunoelectrophoresis Plates, G-201	Plates:6 / unit	09/05/73
Micromedic Systems			
Micromedic Systems	Micromedic Neonatal T4 125I Tracer Solution	Nalgene Bottle: 4 oz.	06/25/87
Micromedic Systems	Micromedic Neonatal T4 Elution Solution	Nalgene Bottle: 2 oz.	06/25/87
Micromedic Systems	Neonatal T4 125I Tracer Solution	Vial: 30ml	05/21/80
Micromedic Systems	Neonatal T4 Buffer Solution	Bottle: 8ounce	05/21/80
Micromedic Systems	T3 RIA 125I Tracer Solution	Vial:30ml	12/14/76
Micromedic Systems	T3 RIA Buffer Solution	High Density Polyethylene Bottle:8 ounce.	12/14/76
Micromedic Systems	T3 Uptake 125I Tracer Solution	Vial:30ml	12/14/76
Micromedic Systems	T3 Uptake Buffer Solution	High Density Polyethylene Bottle:8 ounce.	12/14/76
Micromedic Systems	T4 RIA 125I Tracer Solution	Vial:30ml	12/14/76
Micromedic Systems	T4 RIA Buffer Solution	High Density Polyethylene Bottle:8 ounce.	12/14/76
Miles Laboratories, Inc.			
Miles Laboratories, Inc.	Ames Phenobarbital Assay,Kit Contains: Phenobarbital Standards; 10, 20, 40,& 60mcg/ml.	6.1 ml Vials	03/01/79
Miles Laboratories, Inc.	Ames Phenobarbital Controls, 15mcg/ml, 30mcg/ml, 50mcg/ml.	Vial:6.1ml	05/21/80
Miles Laboratories, Inc.	Cliniria T-3 Uptake Test,Kit Contains: (1)125I T-3 Uptake Reagent & (2) Separating Reagent.	200ml Bottles	11/10/78
Miles Laboratories, Inc.	Clinistat Calibrator Nos. 1 and 2	Vial:1ml	12/19/80
Miles Laboratories, Inc.	Clinistat Control B,C,D,and E	Vial:1ml	12/19/80
Miles Laboratories, Inc.	Seralute Total T-4 (RIA) 125I Reagent Kit, No.3304, No.3305.	Kit: 20 columns, 100 columns	03/28/77
Miles Laboratories, Inc.	Seralyzer ARIS Drug Assay Control	Vial:1ml	01/17/84
Miles Laboratories, Inc.	Seralyzer ARIS Drug Assay High Calibrator	Vial:0.5ml	01/17/84
Miles Laboratories, Inc.	Seralyzer ARIS Drug Assay Low Calibrator	Vial:0.5ml	01/17/84
Miles Laboratories, Inc.	Seralyzer ARIS Phenytoin Reagent Strips	Bottle Containing 25 and 50 Strips	05/28/86
Miles Laboratories, Inc.	T-4 Buffer	Glass Screwtop Vial: 3/4 ounce	03/28/77
Miles Laboratories, Inc.	TDA Cross-Reactivity Cocktails	Glass Vial:1ml	02/01/83
Miles Laboratories, Inc.	TEK-CHEK Special Urine Control (supplemental)	Vial: 25ml	05/01/70
Miles Laboratories, Inc.	Tetralute	Bottle:4.9 g.	07/29/70
Miles Laboratories, Inc.	Thyrolute I125, Reagent Kit, No.5250	Kit: 20 columns	12/02/74
Miles Laboratories, Inc.	Thyrolute I125, Reagent Kit, No.5252	Kit: 100 columns	12/02/74
Monobind, Inc.			
Monobind, Inc.	Monobind T3 Antibody Reagent	Test Tube w/Cap:70ml	11/08/77
Monobind, Inc.	Monobind T3 Tracer Reagent	Wheaton Glass Container: 55ml	11/08/77
Monobind, Inc.	Monobind T4 Antibody Reagent	Test Tube w/Cap:70ml	11/08/77
Monobind, Inc.	Monobind T4 Tracer Reagent	Wheaton Glass Container 55ml	11/08/77
Monobind, Inc.	Monobind TSH Antibody Reagent	Test Tube w/Cap:10.5ml	11/08/77
Monobind, Inc.	Monobind TSH Non-Specific Buffer	Wheaton Glass:1.05ml	11/08/77
Monobind, Inc.	Monobind TSH Precipitating Reagent	Plastic Container w/Cap :105ml	11/08/77

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Monobind, Inc.	Monobind TSH Tracer Reagent	Wheaton Glass Container 10.5ml	11/08/77
Monobind, Inc.	T3 Adsorbent Reagent	Glass Bottle: 110ml, 50ml Plastic Bottle: 260ml.	05/15/78
Monobind, Inc.	T3 Uptake Tracer Reagent	Glass Bottle: 55ml, 30ml Plastic Bottle: 125ml.	05/15/78
Monobind, Inc.	TSH Radioimmunoassay Test System	Kit:100 Tests	11/08/77
Monobind, Inc.	Thyroxine Radioimmunoassay Test System	Kit:100 Tests	11/08/77
Monobind, Inc.	Triiodothyronine Radioimmunoassay Test System	Kit:100 tests	11/08/77
Monoclonal Antibodies, Inc.			
Monoclonal Antibodies, Inc.	Test Kit for Cocaine Metabolites in Urine	Kit:50 tests	10/17/86
Monoclonal Antibodies, Inc.	Test Kit for Opiates in Urine	Kit:50 tests	10/17/86
Monoclonal Antibodies, Inc.	Test Kit for Tetrahydrocannabinol (THC) in Urine	Kit:50 tests	10/17/86
New England Nuclear			
New England Nuclear	Flunitrazepam [Methyl-3H] NET 567	Combi-Vial: .25 mCi, 1 mCi	04/29/87
New England Nuclear	Methylenedioxymethamphetamine, (+)-3,4-[N-methyl-3H] NET 957.	Combi-Vial: .025 mCi, .25 mCi, 1 mCi	04/29/87
Nuclear Diagnostics, Inc.			
Nuclear Diagnostics, Inc.	SPINSEP-TBG Reagent Catalog No. 17100	Polypropylene Bottle: 105ml	12/15/77
Nuclear Diagnostics, Inc.	TETRIA P.E.G. Antiserum Catalog No. 16100A	Polypropylene Bottle:55ml	03/10/78
Nuclear Diagnostics, Inc.	TETRIA P.E.G. Reagent Catalog No. 16100	Polypropylene Bottle: 105ml	07/08/77
Nuclear Diagnostics, Inc.	TETRIA P.E.G. Reagent Catalog No. 16100R	Polypropylene Bottle:55ml	03/10/78
Nuclear Diagnostics, Inc.	TRIA-P.E.G. Antiserum Catalog No. 12100A	Polypropylene Bottle:55ml	03/10/78
Nuclear Diagnostics, Inc.	TRIA-P.E.G. Reagent Catalog No.12100R	Polypropylene Bottle: 55ml	03/10/78
OMI International Corporation			
OMI International Corporation	Compound N Solution	Steel Drum:55 gallon	10/01/75
Organon Teknika Corp.			
Organon Teknika Corp.	ASSURE, Levels I & II	Vial: 10 ml	06/27/80
Organon Teknika Corp.	Bovine QAS Clinical Study	6 Vials/Kit (10ml/vial)	04/28/80
Organon Teknika Corp.	Liothyronine T3 125I	Boston Round Amber Bottle:16 ounce	01/20/76
Organon Teknika Corp.	Liothyronine T3 125I	Boston Round Amber Bottle: 4 ounce	02/18/79
Organon Teknika Corp.	Midwest/ Illinois/ New Jersey Quality Control Program, Level I & II.	Vial: 10 ml, 10 vials / kit	04/16/81
Organon Teknika Corp.	Owren's Veronal Buffer for FIBRIQUIK	Bottle: 37 ml	05/07/80
Organon Teknika Corp.	PACP I & II	Kit: 36 vials/kit	03/07/80
Organon Teknika Corp.	PROFILE Anticonvulsant Levels I & II	Vial: 10 ml	11/28/80
Organon Teknika Corp.	Platelin	Vial:7.3ml	03/13/72
Organon Teknika Corp.	Platelin Plus Activator	Vial:7.3ml	03/13/72
Organon Teknika Corp.	Profile General Set	Kit Ctg: 6 vials	02/22/82
Organon Teknika Corp.	Profile General- Levels I & II	Vial:5 ml	02/22/82
Organon Teknika Corp.	Quality Assurance Serum Level I	Vial: 16.5 ml, 6 vials/ kit	08/17/78
Organon Teknika Corp.	Quality Assurance Serum Level II	Vial: 16.5 ml, 6 vials/ kit	08/17/78
Organon Teknika Corp.	Russell's Viper Venom Reagent	Vial: 7.3ml containing 48 mg of powder	07/08/74
Organon Teknika Corp.	Simplastin	Vial:4.7ml, 7.3ml, and 16.5ml	03/13/72
Organon Teknika Corp.	Simplastin-A	Vial: 7.3ml	03/13/72
Organon Teknika Corp.	T-4 125I Reagent	Boston Round Bottle: 2 ounce, amber bottle, 7 dr..	01/20/76
Organon Teknika Corp.	T-4 Antiserum (rabbit)	Boston Round Bottle: 4 ounce, clear bottle, 7 dr..	01/20/76
Organon Teknika Corp.	TETRA-TAB-RIA T4 Diagnostic Kit	Kit:40tests, 200tests	01/20/76
Organon Teknika Corp.	TETRA-TUBE RIA T4 Diagnostic Kit	Kit:100 tests, 500 tests	06/03/83
Organon Teknika Corp.	TGTR Set	Package:4 Tests per set	03/13/72
Organon Teknika Corp.	TRI-TAB T3 Uptake Diagnostic Kit	Kit: 200 Tests	01/20/76
Organon Teknika Corp.	TRI-TAB T3 Uptake Diagnostic Kit	Kit: 40 tests	02/18/79
Organon Teknika Corp.	Unassayed Chemistry Serum Control, Levels I & II	Vial: 25 ml	06/27/80
Ortho Diagnostic Systems, Inc.			
Ortho Diagnostic Systems, Inc.	Activated ThromboFAX No.721000	Bottle: 3.2ml	09/21/71
Ortho Diagnostic Systems, Inc.	Ortho Abnormal Coagulation Control Level I	Glass Vial: 5ml	10/25/83
Ortho Diagnostic Systems, Inc.	Ortho Abnormal Coagulation Control Level II	Glass Vial: 5ml	10/25/83
Ortho Diagnostic Systems, Inc.	Ortho Abnormal Plasma Coagulation Control	Packet:96.5 mg	09/21/71
Ortho Diagnostic Systems, Inc.	Ortho Activated PTT Reagent	Glass Vial:30 determination size, 100	05/23/83
Pacific Hemostasis			
Pacific Hemostasis	Barbital Buffered Saline	Vial:100ml	05/24/84
Pacific Hemostasis	Barbital Buffered Saline with Heparin	Vial:90ml	05/24/84
Pacific Hemostasis	Diluting Fluid	Vial:20ml	05/24/84
Pantex			
Pantex	Immuno T3 Kit: (1)L-Triiodothyronine 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.	Kit Containing Bottles: (1)10ml (2)10ml (3)50ml (4)5ml (5)3ml.	01/04/79
Pantex	Immuno-Digoxin Kit Containing: (1)Digoxin 125I (2)1st Antiserum (3) 2nd Antiserum (4)Diluent.	Kit Containing Bottles: (1)10ml (2)20ml (3)50ml (4)5ml.	01/04/79
Pantex	Immuno-Estriol 125I Kit:2nd Antiserum	Bottle:50ml	01/04/79
Pantex	Immuno-Estriol Kit: (1)Estriol 3H RIA (2)Estriol 3H Recovery (3)1st Antiserum (4)2nd Antiserum (5)Diluent (6)Buffer (7)Standards.	Kit Containing Bottles: (1)10ml (2)5ml (3)10ml (4)20ml (5)100ml (6)50ml (7)5ml.	01/04/79

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Pantex	Immuno-T4 Kit: (1)Thyroxine 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.	Kit Containing Bottles: (1)100ml,1000ml (2)50ml (3)100ml (4)5ml (5)3ml.	01/04/79
Pantex	Immuno-Testosterone 125I Kit: (1)Testosterone 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.	Kit Containing Bottles: (1)10ml (2)10ml (3)50ml (4)100ml (5)5ml.	01/04/79
Pantex	T3 Uptake Kit: L-Triiodothyronine 125I	Bottle:100ml, 1000ml	01/04/79
Perkin-Elmer Corporation			
Perkin-Elmer Corporation	Amphetamine Polarization Fluoroimmunoassay Kit	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Barbiturates Polarization Fluoroimmunoassay Kit	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Cocaine Polarization Fluoroimmunoassay Kit	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Methadone Polarization Fluoroimmunoassay Kit	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Morphine Polarization Fluoroimmunoassay Kit	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Opiates Polarization Fluoroimmunoassay Kit	Kit: 100 tests	12/18/86
Princeton Separations, Inc.			
Princeton Separations, Inc.	Panagel 16	Pouch: 1 slide	06/29/87
Princeton Separations, Inc.	Panagel 8	Pouch: 1 slide	06/29/87
Princeton Separations, Inc.	Panagel Electrobuffer	Fiber Drum: 25 kg	06/29/87
Princeton Separations, Inc.	Panagel Electrode Buffer	Pouch: 18.3 gms	06/29/87
Princeton Separations, Inc.	Panagel LD Isoenzyme Electrode Buffer	Pouch: 11.85 gms	06/29/87
Princeton Separations, Inc.	Panagel LD Isoenzyme Slide	Pouch: 1 slide	06/29/87
Quantimetrix			
Quantimetrix	Quantimetrix Anticonvulsant Serum Drug Control, Liquid Level II Control No. 17-0303-2.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17-0303-1.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17-0305-1.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level II Control No. 17-0305-2.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Urine Drugs of Abuse Control Catalog No. 12-2411-1	Dropper Bottle: 15 ml	02/23/87
Quin-Tec, Inc.			
Quin-Tec, Inc.	Additive SB-1	Drum:55 gals.	05/11/87
Quin-Tec, Inc.	Quin-Tec Brightener 402	Plastic Pail: 5 gallons, Plastic Drum: 55 gallons.	10/13/81
Quin-Tec, Inc.	Quin-Tec Brightener 404	Plastic Pail: 5 gallons, Plastic Drum: 55 gallons.	10/13/81
Research Triangle Institute			
Research Triangle Institute	11-Nor-9-carboxy-delta-9 THC Blood Standards Kit.	Kit Containing: 18-21ml Ampuls; 1-5ml Ampul.	10/26/81
Research Triangle Institute	11-Nor-9-carboxy-delta-9 THC Plasma Standards Kit.	Kit Containing: 18-21ml Ampuls; 1-5ml Ampul.	10/26/81
Research Triangle Institute	Delta-9 THC Blood Standards Kit	Kit Containing: 16-2ml Ampuls; 1-5ml Ampul.	10/26/81
Research Triangle Institute	Delta-9 THC Plasma Standards Kit	Kit Containing: 16-2ml Ampuls; 1-5ml Ampul.	11/02/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11-Nor-9-carboxy-delta-9 THC in Blood.	Kit Containing: 26-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11-Nor-9-carboxy-delta-9 THC in Plasma.	Kit Containing:24-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC	Kit Containing:20-1ml Ampules; 2-20ml Vials; 2-250ml Bottles.	10/20/80
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC in Blood	Kit Containing: 22-1ml Ampules; 2-20ml Vials; 2-250ml Bottles.	07/10/81
Research Triangle Institute	Tritium Kit for Radioimmunoassay of Delta-9 THC	Kit Containing: 20-1ml Ampules; 2- 20ml Vials; 2- 250ml Bottles.	06/27/80
Rowley Biochemical Institute, Inc.			
Rowley Biochemical Institute, Inc.	Aldehyde Fuchsin Solution	Bottle: Pint, Quart, Gallon	02/02/84
Rowley Biochemical Institute, Inc.	Aldehyde Thionin Solution	Bottle:Pint, Quart, Gallon	02/02/84
Rowley Biochemical Institute, Inc.	Mayer's Hematoxylin Solution	Bottle:Pint, Quart, Gallon	02/02/84
Schering Corp.			
Schering Corp.	Hepaquik	Vial:9 Dram and Plate	07/16/72
Serono Diagnostics, Inc.			
Serono Diagnostics, Inc.	rT3 Barbital Buffer	Glass Vial:120ml	10/26/84
Serono Diagnostics, Inc.	rT3-125I	Glass Vial:13ml	10/26/84
Serono Diagnostics, Inc.	rT3-Antiserum	Glass Vial:13ml	10/26/84
Sherwood Medical Company			
Sherwood Medical Company	Lancer Fibrinogen Determination,Reagent Kit Catalog No. 8889-007608.	Kit	04/17/75
Sigma Chemical Co.			
Sigma Chemical Co.	1-Tetrahydrocannabinol, Product No. T-4764	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	1-Tetrahydrocannabinol, Product No. T-4764	Vial: 1ml	05/11/81
Sigma Chemical Co.	5,5-Diallylbarbituric Acid, Product No. D-6013	Sealed Ampule:1ml	06/30/77

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Sigma Chemical Co.	6-Tetrahydrocannabinol, Product No. T-4889	Vial: 1ml	05/11/81
Sigma Chemical Co.	ALT Reagent A, Stock No.57-10	Vial: 30ml	06/27/79
Sigma Chemical Co.	ALT Reagent A, Stock No.57-2	Vial: 10ml	06/27/79
Sigma Chemical Co.	AST Reagent A, Stock No.56-10	Vial: 30ml	06/27/79
Sigma Chemical Co.	AST Reagent A, Stock No.56-2	Vial: 10ml	06/27/79
Sigma Chemical Co.	Acid Hematoxylin Solution, No.285-2	Bottle:25ml, 100ml	08/06/73
Sigma Chemical Co.	Adenosine Phosphate Substrate, Product No. 675-1	Bottle:4 ounce	07/25/83
Sigma Chemical Co.	Allylcyclopentylbarbituric Acid (A-7787)	Sealed Ampule:1ml	04/10/85
Sigma Chemical Co.	Allylisobutylbarbituric Acid (A-1038)	Sealed Ampule:1ml	04/10/85
Sigma Chemical Co.	Alphaprodine Hydrochloride (A-1537)	Ampule:1ml	08/27/84
Sigma Chemical Co.	Alphenal (A-1163)	Ampule:1ml	04/10/85
Sigma Chemical Co.	Ammonia Reagent, Stock No. 170-10	Vial:10ml	02/17/77
Sigma Chemical Co.	Ammonia Reagent Kit:Stock No. 170-10	Kit:10 Vials	02/17/77
Sigma Chemical Co.	Ammonia Reagent Stock No. 170-10	Vial:30ml	12/13/77
Sigma Chemical Co.	Ammonia in Plasma Kit	Kit: 100 tests, 30 tests	12/13/77
Sigma Chemical Co.	Amobarbital, Product No. A-5142	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Antibody Sensitized Sheep Erythrocytes (EA7S)	Vials:2ml and 5X 2ml	04/02/86
Sigma Chemical Co.	Aprobarbital, Product No. A-7023	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Barbital Buffer, Product No. B-6632	Polyethylene Vial:30ml	05/11/77
Sigma Chemical Co.	Barbital Buffer with Albumin Stock No. 880-3	Vial: 20ml	07/11/80
Sigma Chemical Co.	Barbital,Product No. B-8632	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Benzphetamine Hydrochloride, Product No. B-8765	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Bufotenine Monooxalate,Product No. B-8757	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Butabarbital, Product No. B-8882	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Butalbital, Product No. B-5514	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Butethal (B-7516)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Cannabidiol, Product No. C-6395	Sealed Ampule:1ml	08/29/79
Sigma Chemical Co.	Cannabidiol, Product No. C-6395	Vial: 1ml	05/11/81
Sigma Chemical Co.	Cannabinol, Product No. C-6520	Sealed Ampule:1ml	08/29/79
Sigma Chemical Co.	Cannabinol, Product No. C-6520	Vial: 1ml	05/11/81
Sigma Chemical Co.	Chloral Hydrate, Product No. C-6516	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Chlorazepam Dipotassium Salt, (C-9531)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Chlordiazepoxide (C-4782)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Clonazepam, Product No. C-4404	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Cocaine Hydrochloride Product No. C-1528	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Codeine Product No. C-1653	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	D-Amphetamine Sulfate, Product No. A-3278	Vial: 1ml	05/11/81
Sigma Chemical Co.	DL-Amphetamine HCL, Product No. A-5017	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Dextropropoxyphene Hydrochloride (D-8901)	Ampule:1ml	09/27/84
Sigma Chemical Co.	Diazepam, Product No. D-9900	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Diethylpropion Hydrochloride, Product No. D-7274	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Diphenoxylate (D-0780)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Drug Standard Mix 1, D-3155	Ampule:2ml	04/18/86
Sigma Chemical Co.	Drug Standard Mix 2, D-3030	Ampule:2ml	04/18/86
Sigma Chemical Co.	Ethinamate (E-8508)	Ampule:1ml	04/10/85
Sigma Chemical Co.	Fenfluramine Hydrochloride, Product No. F-1884	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Flunitrazepam No. F-8763	Vial:1 ml	06/30/87
Sigma Chemical Co.	Flurazepam Dihydrochloride, Product No. F-9134	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Gelatin Veronal Buffer (GVB2+) No. G-6514	Vial:50 ml,250ml	09/15/86
Sigma Chemical Co.	Glutethimide, Product No. G-3134	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Glycerophosphate Substrate, Product No. 675-2	Bottle:4 ounce	07/25/83
Sigma Chemical Co.	Glycerophosphate Substrate, Product No. 704-1	Bottle:4 ounce	07/25/83
Sigma Chemical Co.	Hexobarbital, Product No. H-2007	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Hydromorphone Hydrochloride No. H-7141	Vial:1 ml	06/30/87
Sigma Chemical Co.	Ibogaine HCL, Product No. I-4630	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	LDH Electrophoresis Buffer, Stock No. 705-1	Amber Jar:30ml	01/04/77
Sigma Chemical Co.	LDH-P Reagent No. 125-10	Vial:30ml	05/29/73
Sigma Chemical Co.	LDH-P Reagent No. 125-100	Vial:100ml	05/29/73
Sigma Chemical Co.	Lorazepam (L-0140)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Lysergic Acid, Product No. L-5881	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Mayer's Hematoxylin Solution, No. MHS-1	Bottle:25ml, 100ml	08/06/73
Sigma Chemical Co.	Mebutamate (M-3772)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Medazepam (M-7646)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Meperidine Hydrochloride (M-1020)	Ampule:1ml	08/27/84
Sigma Chemical Co.	Mephobarbital, Product No. M-3514	Vial: 1ml	05/11/81
Sigma Chemical Co.	Meprobamate (M-0271)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Mescaline HC1, Product No. M-5153	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Methadone Hydrochloride, Product No. M-3268	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Methamphetamine HC1, Product No. M-5260	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Methaqualone Hydrochloride, Product No. M-3393	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Methylphenidate Hydrochloride (M-1145)	Ampule:1ml	10/31/84
Sigma Chemical Co.	Methyprylon, Product No. M-1769	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Morphine-3-B-D Glucuronide, Product No. M-4266	Ampule: 1ml	10/21/82
Sigma Chemical Co.	N,N-Diethyltryptamine, Product No. D-0392	Vial: 1ml	05/11/81
Sigma Chemical Co.	N,N-Dimethyltryptamine, Product No. D-6263	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Nalorphine Hydrochloride	Ampule:1ml	08/27/84
Sigma Chemical Co.	Oxazepam, No. O-1755	Vial:1 ml	06/30/87
Sigma Chemical Co.	Oxycodone Hydrochloride, Product No. O-2628	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Paraldehyde, Product No. D-3778	Ampule: 1ml	10/21/82

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Sigma Chemical Co.	Pemoline, Product No. P-3518	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Pentazocine Hydrochloride, Product No. P-7530	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Pentobarbital, Product No. P-3393	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Phencyclidine, No. P-7043	Vial:1 ml	06/30/87
Sigma Chemical Co.	Phendimetrazine, Product No. P-3524	Vial: 1ml	05/11/81
Sigma Chemical Co.	Phenobarbital Prod. No.P-3643	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Phentermine Hydrochloride, Product No. P-7655	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Phenylacetone, Product No. P-2024	Vial: 1ml	05/11/81
Sigma Chemical Co.	Prazepam, No. P-7168	Vial:1 ml	06/30/87
Sigma Chemical Co.	SGOT 10 Assay Vial No. 55-10	Vial:30ml	05/29/73
Sigma Chemical Co.	SGOT Reagent No. 155-10	Vial:30ml	05/29/73
Sigma Chemical Co.	SGOT Reagent No. 155-100	Vial:100ml	05/29/73
Sigma Chemical Co.	SGOT Single Assay Vial No. 55-1	Vial:3ml	05/29/73
Sigma Chemical Co.	SGOT Single Assay Vial No. 55-5	Vial:15ml	05/29/73
Sigma Chemical Co.	SGPT 10 Assay Vial No. 55-10P	Vial:30ml	05/29/73
Sigma Chemical Co.	SGPT Assay Vial No. 55-5P	Vial:15ml	05/29/73
Sigma Chemical Co.	SGPT Reagent No. 155-100P	Vial:100ml	05/29/73
Sigma Chemical Co.	SGPT Reagent No. 155-10P	Vial:30ml	05/29/73
Sigma Chemical Co.	SGPT Single Assay Vial No. 55-1P	Vial:3ml	05/29/73
Sigma Chemical Co.	Secobarbital, Product No. S-4006	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Temazepam, No. T-4903	Vial:1 ml	06/30/87
Sigma Chemical Co.	Thebaine, Product No. T-5270	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Thiamylal Sodium, Product No. T-6896	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Thiopental (T-1022)	Ampule:1ml	08/27/84
Sigma Chemical Co.	Trizma-Barbital Buffer, Stock No. 710-1	Amber Jar:30ml	01/04/77
Sigma Chemical Co.	Tropacocaine, Product No. T-4516	Vial: 1ml	05/11/81
Smart Chemical Co.			
Smart Chemical Co.	Regal 180XL	Plastic Drum:55 gallon	06/12/86
Supelco, Inc.			
Supelco, Inc.	Alk Mix No. 04-9210	Vial:1ml	08/28/73
Supelco, Inc.	Amobarbital, No.04-9170	Ampule: 1ml	12/22/72
Supelco, Inc.	Amph. Mix Catalog No. 4-9205	Glass Ampule:2ml	06/09/86
Supelco, Inc.	Amphetamine No.04-9165	Ampule: 1ml	12/22/72
Supelco, Inc.	Anticonvulsant Mixture No.1; No. 04-9202	Glass Serum Bottle:50ml	06/16/77
Supelco, Inc.	Antiepileptic Calibration Standard Kit, No.4-9259	Kit: 3 Ampules	05/21/80
Supelco, Inc.	Antiepileptic Calibration Standards, Nos.4-9256, 4-9257, 4-9258.	Glass Ampule:5ml	05/21/80
Supelco, Inc.	Aprobarbital No.04-9171	Ampule: 1ml	12/22/72
Supelco, Inc.	Barb. Mix 1, Catalog No. 4-9200	Glass Ampule: 2ml	06/09/86
Supelco, Inc.	Barb. Mix 2, Catalog No. 4-9201	Glass Ampule: 2ml	06/09/86
Supelco, Inc.	Barbital, Catalog No. 4-9279	Glass Ampule: 10ml	06/09/86
Supelco, Inc.	Barbiturates Test Mix Catalog No. 4-9295	Ampule: 2 ml	02/25/87
Supelco, Inc.	Cannabidiol, No.04-9221	Ampule: 1ml	11/27/74
Supelco, Inc.	Cannabinol, No.04-9235	Ampule: 1ml	11/27/74
Supelco, Inc.	Cocaine, No.04-9188	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc.	Codeine No.04-9161	Ampule: 1ml	12/22/72
Supelco, Inc.	Cyclobarbital No.04-9175	Ampule: 1ml	12/22/72
Supelco, Inc.	Delta-1 THC, No.04-9237	Ampule:1ml	11/27/74
Supelco, Inc.	Delta-6 THC, No.04-9238	Ampule:1ml	11/27/74
Supelco, Inc.	Dextroamphetamine, No.4-9185	Glass Ampule:1ml	05/21/80
Supelco, Inc.	Glutethimide No.04-9173	Ampule: 1ml	12/22/72
Supelco, Inc.	Heroin No.04-9162	Ampule: 1ml	12/22/72
Supelco, Inc.	Hexobarbital No.04-9177	Ampule: 1ml	12/22/72
Supelco, Inc.	Mephobarbital No.04-9178	Ampule: 1ml	12/22/72
Supelco, Inc.	Meprobamate, No.4-9184	Glass Ampule:1ml	05/21/80
Supelco, Inc.	Methadone No.04-9163	Ampule: 1ml	12/22/72
Supelco, Inc.	Methamphetamine No.04-9168	Ampule: 1ml	12/22/72
Supelco, Inc.	Methaqualone, No.04-9183	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc.	Morphine No. 04-9160	Glass Ampule:1000mcg	03/08/78
Supelco, Inc.	Pentobarbital No. 04-9179	Glass Ampule:1000mcg	03/08/78
Supelco, Inc.	Phenobarbital No. 04-9181	Glass Ampule:1000mcg	03/08/78
Supelco, Inc.	Psilocybin, No.04-9191	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc.	Secobarbital No. 04-9180	Glass Ampule:1000mcg	03/08/78
Syva Co.			
Syva Co.	AccuLevel Phenobarbital Test Control Stock Solution	Flask:50ml	10/31/85
Syva Co.	AccuLevel Phenobarbital Test Kit (Catalog No.10C019) Contains: (1)AccuLevel Phenobarbital Control (2)AccuLevel Reagent I.	(1)Glass Vial:6ml; (2)Glass Vial:9ml, 12 Vials per test kit.	01/24/86
Syva Co.	Advance T-3 Uptake Assay	Kit:100 tests	05/11/82
Syva Co.	Advance Thyroxin Assay	Kit:100 tests	05/11/82
Syva Co.	Antiepileptic Drug Control	Vial:10ml, Lyophilized	08/27/74
Syva Co.	Emit 700 Amphetamine Assay Catalog No. 3C919	Bottle:180ml	10/12/84
Syva Co.	Emit 700 Barbiturate Assay Catalog No.3D919	Bottle:180ml	10/12/84
Syva Co.	Emit 700 Calibrator A Catalog No. 3A919	Bottle:3ml	10/05/84
Syva Co.	Emit 700 Calibrator B Catalog No. 3A969	Bottle:3ml	10/05/84
Syva Co.	Emit 700 Cannabinoid (100) Assay Catalog No. 3M919	Bottle:180ml	10/12/84
Syva Co.	Emit 700 Cannabinoid (100) Calibrator Catalog No. 3M969	Bottle:3ml	10/09/84

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Syva Co	Emit 700 Cannabinoid (20) Assay, Catalog No. 3M959	Plastic Bottle: 180ml	09/15/86
Syva Co	Emit 700 Cannabinoid Control Set Catalog No. 3M989	2 Bottles:3ml	10/09/84
Syva Co	Emit 700 Cocaine Metabolite Assay Catalog No. 3H919	Bottle:180ml	10/12/84
Syva Co	Emit 700 Control Set A Catalog No. 3A939	2 Bottles:3ml	10/09/84
Syva Co	Emit 700 Control Set B Catalog No. 3A989	2 Bottles:3ml	10/09/84
Syva Co	Emit 700 Methaqualone Assay Catalog No. 3Q919	Bottle:180ml	10/19/84
Syva Co	Emit 700 Opiate Assay Catalog No.3B919	Bottle:180ml	10/12/84
Syva Co	Emit 700 Phencyclidine Assay Catalog No. 3J919	Bottle:180ml	10/12/84
Syva Co	Emit AED-No. 1 Calibrator	Vial:3ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 2 Calibrator	Vial:3ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 3 Calibrator	Vial:3ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 4 Calibrator	Vial:3ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 5 Calibrator	Vial:3ml, Lyophilized	08/27/74
Syva Co	Emit Phenobarbital Enzyme Reagent B	Vial:6 ml, Lyophilized	08/27/74
Syva Co	Emit Qst Phenobarbital Bulk Powder Reagent	Steel Drum:7 gallon	06/05/86
Syva Co	Emit Qst Primidone Assay Catalog No. 60819	Glass Vial: 6ml, 50 Vials/Kit	11/12/85
Syva Co	Emit Serum Barbiturate-Enzyme Reagent B	Bottle: 3ml	05/22/79
Syva Co	Emit Tox Serum Benzodiazepine Assay Kit Containing: Emit Enzyme Reagent B.	Bottle:3ml	02/01/79
Syva Co	Emit d.a.u. Amphetamine Assay Catalog Nos. 3C019, 3C119.	Kit:100 tests, 1000 tests	09/27/84
Syva Co	Emit d.a.u. Benzodiazepine Assay Catalog Nos. 3F019, 3F119.	Kit:100 tests, 1000 tests	09/27/84
Syva Co	Emit d.a.u. Cannabinoid 100 ng Assay, Catalog No. 3M119	Kit: 1000 tests	09/12/86
Syva Co	Emit d.a.u. Cannabinoid 20ng Assay Catalog No. 3M619	Kit:100 tests	02/10/86
Syva Co	Emit d.a.u. Cannabinoid 20ng Enzyme Reagent B	Vial:10ml Lyophilized Powder	02/10/86
Syva Co	Emit d.a.u. Cannabinoid Assay Catalog No. 3M019	Kit:100 tests	09/24/84
Syva Co	Emit d.a.u. Cannabinoid Urine Calibrator Set	Kit:3 Vials, 3ml Each	01/03/80
Syva Co	Emit d.a.u. Cocaine Metabolite Assay Catalog Nos. 3H019, 3H119.	Kit:100 tests, 1000 tests	09/27/84
Syva Co	Emit d.a.u. Low Calibrator A	Bottle:5ml	07/20/84
Syva Co	Emit d.a.u. Medium Calibrator B	Bottle:5ml	08/03/84
Syva Co	Emit d.a.u. Methadone Assay Catalog Nos. 3E019, 3E119	Kit:100 tests, 1000 tests	10/05/84
Syva Co	Emit d.a.u. Opiate Assay Catalog Nos. 3B019, 3B119	Kit:100 tests, 1000 tests	09/27/84
Syva Co	Emit d.a.u. Phencyclidine Assay Kit Containing: (1)Emit Phencyclidine Enzyme Reagent B.	Bottle:6ml	02/01/79
Syva Co	Emit d.a.u.Barbiturate Assay Catalog Nos. 3D019, 3D119	Kit:100 tests, 1000 tests	09/27/84
Syva Co	Emit d.a.u.Low Calibrator B	Bottle:5ml	08/03/84
Syva Co	Emit d.a.u.Medium Calibrator A	Bottle:5ml	07/20/84
Syva Co	Emit- Tox Serum Barbiturate Assay	Kit:50 tests	05/22/79
Syva Co	Emit-Qst Phenobarbital Assay, Catalog Number 6D819	Kit:50 Vials	01/18/84
Syva Co	Emit-Tox Serum Calibrators;Low and Medium	Bottle:3ml	02/01/79
Syva Co	Emit-d.a.u. Methaqualone Assay	Kit:100 tests	04/27/82
Syva Co	Emit-st Amphetamine Assay	Vial:3ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Barbiturate Assay	Vial:3ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Benzodiazepine Assay	Vial:3ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Cannabinoid Assay Catalog No. 3M319	Vial:6ml, 80 Vials/Kit	09/27/84
Syva Co	Emit-st Cannabinoid Calibrator	Vial:3ml, 2 vials/kit	07/10/81
Syva Co	Emit-st Cannabinoid Controls	Vial:3ml, 2 vials/kit	07/10/81
Syva Co	Emit-st Opiate Assay	Kit:3ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Phencyclidine Assay	Vial:3ml, 80 vials/kit	01/07/81
Syva Co	Emit-st Serum Barbiturate Assay	Vial:3ml, 80 vials/kit	02/16/81
Syva Co	Emit-st Serum Benzodiazepine Assay	Vial:3ml, 80 vials/kit	02/16/81
Syva Co	Emit-st Serum Calibrator	Vial:3ml	02/16/81
Syva Co	Emit-st Serum Controls	Vial:3ml, 2 vials/kit	02/16/81
Syva Co	Emit-st Serum Phencyclidine Assay	Vial:3ml, 80 vials/kit	02/16/81
Syva Co	Emit-st Urine Calibrator A	Vial:1ml, 3 vials/kit	10/03/80
Syva Co	Emit-st Urine Cocaine Metabolite Assay	Vial:3 ml, 80 Vials/Kit	03/16/82
Syva Co	Emit-st Urine Controls A	Vial:1ml, 6 vials/kit	10/03/80
Syva Co	Emit-st Urine Methadone Assay	Vial:3ml, 80 vials/kit	03/22/82
Syva Co	Emit-st Urine Methaqualone Assay	Kit:80 Vials	04/27/82
Syva Co	Emit-st Urine Methaqualone Calibrator	Vial:3ml	04/27/82
Syva Co	Emit-st Urine Methaqualone Controls	Vial:3ml	04/27/82
Technicon			
Technicon	Ammonium Sulfate Reagent No. T01-1139	Glass Bottle: 1 and 4 liters	01/31/80
Technicon	Set Point RA-1000 Systems T4 Standards Product No. T03-1481-01.	Glass Bottles:5ml (Standard 1 Fill Volume=5ml) (Standards 2-6 Fill Volume=1.5ml).	08/02/85
Technicon	T4 Agglutinator Reagent No.T11-1484	Glass Bottle:10ml	08/02/85
Technicon	TQC T.D.M. Calibrator 1, No. T13-1150	Glass Vial:15ml	01/31/80
Technicon	TQC T.D.M. Control A, No. T13-1115	Glass Vial:15ml	01/31/80
Technicon Instruments Corporation			
Technicon Instruments Corporation	Agar Gel Plates No. 8794	Plate: 25ml	08/01/72
Technicon Instruments Corporation	Agar Gel Plates, No. 7114	Plate: 15 ml	01/15/87
Technicon Instruments Corporation	Buffer No. 3017	Vial 250 ml	08/31/71
Technicon Instruments Corporation	Buffer No. 8793	Vial: 250ml	08/01/72
Technicon Instruments Corporation	Diluting Fluid No. 3400	Vial: 10ml	08/31/71

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
Technicon Instruments Corporation	Electrode Buffer, DR07172	Bulk	12/26/74
Technicon Instruments Corporation	LD Electrode Buffer, DR07173	Bulk	02/12/79
Technicon Instruments Corporation	Ligand Control I-No.4814, II-No.4824, and III-No.4834.	Vials: 5ml	02/24/81
Technicon Instruments Corporation	Partial Thromboplastin (Dried), No.3491	Vial: 1ml and 5 ml	08/31/71
Technicon Instruments Corporation	Therapeutic Drug Monitoring Survey (Z Series)	Vials: 5 ml	09/24/86
Technicon Instruments Corporation	Therapeutic Monitor Level I No.4881	Vial:3ml	01/20/83
Technicon Instruments Corporation	Therapeutic Monitor Level II No.4882	Vial:3ml	01/20/83
Technicon Instruments Corporation	Therapeutic Monitor Level III No.4883	Vial:3ml	01/20/83
Technicon Instruments Corporation	Toxicology Survey (T Series)	Vials: 20 ml, 50 ml	09/24/86
Technicon Instruments Corporation	Toxicology Urine Control No. 0841	Vial: 10ml	06/11/82
Technicon Instruments Corporation	Toxicology Urine Control No. 0842	Vial: 3ml	06/11/82
Technicon Instruments Corporation	Urine Control No. 0277	Vial:25ml	04/14/81
Technicon Instruments Corporation	Urine Toxicology Survey (UT Series)	Vials: 50 ml	09/24/86
Tempil Division. Big Three Industries, Inc.			
Tempil Division. Big Three Industries, Inc.	Tempilaq Striped Mylar	Plastic Sheet: 6 by 12 in. 50 sheets per envelope.	09/22/76
The Theta Corp.			
The Theta Corp	Allobarbital No.FP305	Vial: 2ml	04/10/73
The Theta Corp	Amobarbital No. FP313	Vial:2ml	04/10/73
The Theta Corp	Amphetamine No. FP604	Vial: 2ml	04/10/73
The Theta Corp	Anileridine No. FP203	Vial:2ml	04/10/73
The Theta Corp	Aprobarbital No. FP306	Vial: 2ml	04/10/73
The Theta Corp	Barbital No.FP314	Vial: 2ml	04/10/73
The Theta Corp	Benzoylecgonine FP-1001	Vial: 2 ml	01/24/87
The Theta Corp	Butabarbital No. FP315	Vial:2ml	04/10/73
The Theta Corp	Butalbital No. FP307	Vial:2ml	04/10/73
The Theta Corp	Chloral Betaine No. FP502	Vial:2ml	04/10/73
The Theta Corp	Chloral Hydrate No. FP501	Vial:2ml	04/10/73
The Theta Corp	Cocaine No. FP601	Vial:2ml	04/10/73
The Theta Corp	Codeine No. FP102	Vial:2ml	04/10/73
The Theta Corp	Cyclobarbital No. FP308	Vial:2ml	04/10/73
The Theta Corp	Dihydrocodeine No. FP108	Vial: 2ml	04/10/73
The Theta Corp	Diphenoxylate No. FP205	Vial:2ml	04/10/73
The Theta Corp	Ethchlorvynol No. FP508	Vial:2ml	04/10/73
The Theta Corp	Ethylmorphine No. FP106	Vial:2ml	04/10/73
The Theta Corp	FP207	Vial:2ml	09/04/80
The Theta Corp	FP210	Vial:2ml	05/15/84
The Theta Corp	FP214	Vial:2ml	04/10/84
The Theta Corp	FP327	Vial:2ml	04/10/84
The Theta Corp	FP405	Vial:2ml	03/08/79
The Theta Corp	FP411	Vial:2ml	05/15/84
The Theta Corp	FP412	Vial:2ml	05/15/84
The Theta Corp	FP416	Vial:2ml	05/15/84
The Theta Corp	FP512	Vial:2ml	03/08/79
The Theta Corp	FP513	Vial:2ml	03/08/79
The Theta Corp	FP514	Vial:2ml	05/15/84
The Theta Corp	FP515	Vial:2ml	03/08/79
The Theta Corp	FP556	Vial:2ml	04/10/84
The Theta Corp	FP601A	Vial:2ml	05/15/84
The Theta Corp	FP607	Vial:2ml	05/15/84
The Theta Corp	FP609	Vial:2ml	05/15/84
The Theta Corp	Fentanyl No. FP211	Vial:2ml	04/10/73
The Theta Corp	Glutethimide No. FP404	Vial:2ml	04/10/73
The Theta Corp	Heptabarbital No. FP309	Vial:2ml	04/10/73
The Theta Corp	Hexabarbital No. FP303	Vial:2ml	04/10/73
The Theta Corp	Hydrocodone No. FP107	Vial:2ml	04/10/73
The Theta Corp	Hydromorphone No. FP103	Vial:2ml	04/10/73
The Theta Corp	Levorphanol No. FP208	Vial:2ml	04/10/73
The Theta Corp	Marker Mixture No. FPM-104	Vial:2ml	04/10/73
The Theta Corp	Marker Mixture No. FPM-201	Vial:2ml	04/10/73
The Theta Corp	Meperidine No.FP201	Vial:2ml	04/10/73
The Theta Corp	Mephobarbital No. FP301	Vial:2ml	04/10/73
The Theta Corp	Meprobamate No. FP402	Vial:2ml	04/10/73
The Theta Corp	Methadone No. FP206	Vial:2ml	04/10/73
The Theta Corp	Methamphetamine No. FP603	Vial:2ml	04/10/73
The Theta Corp	Metharbital No. FP302	Vial:2ml	04/10/73
The Theta Corp	Methohexital No. FP304	Vial:2ml	04/10/73
The Theta Corp	Methylphenidate No. FP605	Vial:2ml	04/10/73
The Theta Corp	Monthly Urine Test No. FPM-103	Vial:2ml	04/10/73
The Theta Corp	Morphine No. FP101	Vial:2ml	04/10/73
The Theta Corp	Oxycodone No. FP109	Vial:2ml	04/10/73
The Theta Corp	Oxymorphone No. FP104	Vial:2ml	04/10/73
The Theta Corp	Paraldehyde No.FP506	Vial:2ml	04/10/73
The Theta Corp	Pentobarbital No. FP318	Vial:2ml	04/10/73
The Theta Corp	Phenazocine No. FP213	Vial:2ml	04/10/73
The Theta Corp	Phenmetrazine No. FP606	Vial:2ml	04/10/73
The Theta Corp	Phenobarbital No. FP320	Vial:2ml	04/10/73

EXEMPT CHEMICAL PREPARATIONS—Continued

Manufacturer or supplier	Product name/description	Form of product	Date of application
The Theta Corp	Piminodine No. FP202	Vial:2ml	04/10/73
The Theta Corp	Probarbital No. FP319	Vial:2ml	04/10/73
The Theta Corp	Secobarbital No. FP310	Vial:2ml	04/10/73
The Theta Corp	Talbutal No. FP311	Vial:2ml	04/10/73
The Theta Corp	Test Mixture SM No. 1	Vial:2ml	06/19/74
The Theta Corp	Test Mixture SM No. 2	Vial:2ml	06/19/74
The Theta Corp	Test Mixture SM No. 3	Vial:2ml	06/19/74
The Theta Corp	Test Mixture SM No. 4	Vial:2ml	06/19/74
The Theta Corp	Test Mixture SP No. 1	Vial:2ml	06/19/74
The Theta Corp	Test Mixture SP No. 2	Vial:2ml	06/19/74
The Theta Corp	Test Mixture SP No. 3	Vial:2ml	06/19/74
The Theta Corp	Test Mixture SP No. 4	Vial:2ml	06/19/74
The Theta Corp	Test Mixture TM No. 1	Vial:2ml	06/19/74
The Theta Corp	Test Mixture TM No. 2	Vial:2ml	06/19/74
The Theta Corp	Thiamylal No. FP322	Vial:2ml	04/10/73
The Theta Corp	Thiopental No. FP321	Vial:2ml	04/10/73
The Theta Corp	Vinbarbital No. FP312	Vial:2ml	04/10/73
The Theta Corp	Weekly Urine Test (FDA) No. FPM-101	Vial:2ml	04/10/73
The Theta Corp	Weekly Urine Test (States) No. FPM-102	Vial:2ml	04/10/73.
Travenol Labs (Clinical Assays Division)			
Travenol Labs (Clinical Assays Division)	(125I) Human TSH Radioimmunoassay kit	Kit: 125 determinations	11/16/77
Travenol Labs (Clinical Assays Division)	(125I) Human TSH Tracer	Glass Vial: 6ml	11/16/77
Travenol Labs (Clinical Assays Division)	Anticonvulsant Drug Controls	Kit: 500 determinations, 50 determinations.	11/16/77
Travenol Labs (Clinical Assays Division)	Assay buffer CA-742	Polypropylene Bottle: 150ml	03/14/77
Travenol Labs (Clinical Assays Division)	CA-380 Phenobarbital Serum Standard 1:101 dilution of 1.0 ug/ml.	Septem sealed glass vial: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	CA-381 Phenobarbital Serum Standard 1:101 dilution of 3.0 ug/ml.	Septem sealed glass vial: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	CA-382 Phenobarbital Serum Standard 1:101 dilution of 10 ug/ml.	Septem sealed glass vial: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	CA-383 Phenobarbital Serum Standard 1:101 dilution of 30 ug/ml.	Septem sealed glass vial: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	CA-384 Phenobarbital 1:101 dilution of 100 ug/ml	Septem sealed glass vial: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	CA-419 Anticonvulsant Drug Control, Level I	Septem sealed glass vial: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	CA-420 Anticonvulsant Drug Control, Level II	Septem sealed glass vial: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	Human TSH standards, 2.0 ulU/ml, 5.0 ulU/ml, 10 ulU/ml, 20 ulU/ml, 50 ulU/ml.	Glass vials: 2ml	11/16/77
Travenol Labs (Clinical Assays Division)	Rabbit Anti-Human TSH Serum	Glass vial: 20ml	11/16/77
Utak Laboratories			
Utak Laboratories	Toxicology Control-High Range Anticonvulsants No. 71910	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Barbiturates No. 71916	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Hypnotic Plus Acetaminophem, No. 71918.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Hypnotic Plus Salicylate, No. 71920.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Anticonvulsants No. 71911	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Barbiturates No. 71917	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Hypnotic Plus Acetaminophem, No. 71919.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Hypnotic Plus Salicylate, No. 71921.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Serum Control Dried ε88112	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Serum Control Dried ε88113	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Serum Control Dried ε88120	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Serum Control-Dried Catalog Nos. 44610, 44612, 44632, 44635, 44636, 44637, 44642, 44645, 44646, 44647, 44658..	In Bottles	05/24/76
Utak Laboratories	Toxicology Urine Control Dried ε88100	Bottle:20ml	07/29/82
Utak Laboratories	Toxicology Urine Control Dried ε88121	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Urine Control-Dried Catalog Nos. 44650, 44651, 44652, 44653.	Bottle:1 oz.	05/24/76
Wescor, Inc.			
Wescor, Inc.	Osmocoll	Bottle:9 ml	12/05/86
Wien Laboratories,Inc.			
Wien Laboratories,Inc.	ANS Buffer pH 8.6 Catalog No. T-5144	Plastic Bottle:100ml	05/14/75
Wien Laboratories,Inc.	Buffer Reagent pH 8.6 Catalog No. T-5065	Bottle:4oz.	12/22/72
Wien Laboratories,Inc.	Coated Charcoal Suspension No. T-5077	Bottle:4oz.	12/22/72
Wien Laboratories,Inc.	T3 Buffer Reagent Catalog No. T-5156	Plastic Vial:20ml	09/13/78
Windsor Laboratories, Inc.			
Windsor Laboratories, Inc.	Calibrators FPR Phenobarbital	Kit: 6 Vials	10/30/86
Windsor Laboratories, Inc.	Phenobarbital Fluorescence Polarization Immunoassay Kit	Kit:100 tests	11/20/86

Gene R. Haislip,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: January 20, 1988.

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BILLING CODE 4410-09-M

21 CFR Part 1308

Schedules of Controlled Substances; Table of Exempt Prescription Products

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would update the Table of Exempt Prescription Products found in § 1308.32 of the Code of Federal Regulations.

The current Table of Exempt Prescription Products found in 21 CFR Part 1308 lists those products that have been granted exempt status as of April 1, 1987 (47 FR 53728). Since that time a number of applications for exemptions have been received and reviewed by the Drug Enforcement Administration. This notice proposes to add those prescription products to the list that have been granted exempt status since April 1, 1987 (pursuant to 21 CFR 1308.31).

DATE: Comments must be submitted on or before March 7, 1988.

ADDRESS: Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act, as amended by the Dangerous Drug Diversion Control Act of 1984, authorizes the Attorney General at 21 U.S.C. 811(g)(3)(A) to exempt, from specific provisions of the Act, a preparation or mixture if that preparation or mixture: (1) Contains a nonnarcotic controlled substance; (2) is approved for prescription use; and (3) meets certain criteria. An exemption may be granted if the nonnarcotic controlled substance is combined with one or more active medicinal ingredients which are not listed in any schedule and whose presence vitiates the potential for abuse of the nonnarcotic controlled substance. Such exemptions apply only to a specific prescription product and are only granted following suitable application to the Drug Enforcement Administration per 21 CFR 1308.31.

The Deputy Assistant Administrator of the Office of Diversion Control hereby certifies that these matters will have no significant negative impact upon small businesses or other entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The addition of products to the list of exempt prescription products has the effect of exempting them from certain measures of control imposed by the Controlled Substances Act of 1970 and its implementing regulations.

The Office of Management and Budget has previously determined that these changes are internal agency matters which do not require formal OMB review.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 811(g)(3)(A) as delegated to the Administrator of the Drug Enforcement Administration and redelegated to the Deputy Assistant Administrator of the Office of Diversion Control by 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator of the Office of Diversion Control hereby proposes that 21 CFR Part 1308 be amended as set forth below.

PART 1308—SCHEDULE OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. In § 1308.32 the list of products found in the Table of Exempt Prescription Products is revised to read as follows:

§ 1308.32 Exempted Prescription Products.

* * * * *

Table of Exempt Prescription Products

Company	Trade name	NDC Code	Form	Controlled Substance	(mg or mg/ml)
Adria Laboratories	Axotal	00013-1301	TB	Butalbital	50.00
Alpha Scriptics Inc	Butacet Capsules	53121-0133	CA	Butalbital	50.00
American Urologicals Inc	Butace	00539-0906	CA	Butalbital	50.00
Apotheca	Theophen	12634-0101	TB	Phenobarbital	8.00
Arco Pharmaceuticals	Arco-Lase Plus	00275-0045	TB	Phenobarbital	8.00
Arlo Interamerican	Espasmotex	11475-0835	TB	Phenobarbital	20.00
Ascher and Co	Anaspaz PB	00225-0300	TB	Phenobarbital	15.00
Ascot Pharmaceuticals	Antispasmodic Tablets	47679-0158	TB	Phenobarbital	16.20
Ascot Pharmaceuticals	Chlordiazepoxide Hydrochloride + Clidinium Bromide.	47679-0268	CA	Chlordiazepoxide HCl	5.00
Ayerst Laboratories	PMB-200	00046-0880	TB	Meprobamate	200.00
Ayerst Laboratories	PMB-400	00046-0881	TB	Meprobamate	400.00
Barre Drug Co	Barophen	00472-0981	EL	Phenobarbital	3.24
Barre Drug Co	Isolate Compound	00472-0929	EL	Phenobarbital	0.40
Beecham Laboratories	Hybephen	00029-2360	TB	Phenobarbital	15.00
Bioline Labs Inc	Chlordinium	00719-1208	CA	Chlordiazepoxide HCl	5.00
Blaine Co	Spaslin	00165-0029	TB	Phenobarbital	16.20
Blansett Pharm Co	Analor 300 Capsules	51674-0009	CA	Butalbital	50.00
Bock Pharmacal Co	Broncholate	00563-0277	CA	Phenobarbital	8.00
Bowman Pharmaceutical	Private Formula No 3095	00252-3095	TB	Phenobarbital Sodium	15.00
Breon Labs	Isuprel Compound	00057-0874	EL	Phenobarbital	0.40
Caldwell & Bloor Co	Hyosital White	00361-2131	TB	Phenobarbital	16.20
Carnrick Labs	Phrenilin New Formulation	00086-0050	TB	Butalbital	50.00
Chelsea Laboratories	Chlordiazepoxide with Clidinium Bromide.	46193-0948	CA	Chlordiazepoxide HCl	5.00

Table of Exempt Prescription Products—Continued

Company	Trade name	NDC Code	Form	Controlled Substance	(mg or mg/ml)
Columbia Drug Co	Isopap Capsules	11735-0400	CA	Butalbital	50.00
Consolidated Midland	Bellalphen	00223-0425	TB	Phenobarbital	16.20
Dorasol Laboratories	Donalixir	00471-0095	EL	Phenobarbital	3.24
Dunhall Pharmacal Inc	Triaprin	00217-2811	CA	Butalbital	50.00
Everett Laboratories Inc	Repan Capsules	00642-0163	CA	Butalbital	50.00
Everett Laboratories Inc	Repan Tablets	00642-0162	TB	Butalbital	50.00
Forest Pharmacal Inc	Acetaminophen 325 mg/Butalbital 50 mg.	00456-0674	TB	Butalbital	50.00
Forest Pharmacal Inc	Acetaminophen 500mg/Butalbital 50mg.	00456-0671	TB	Butalbital	50.00
Forest Pharmacal Inc	Bancap	00456-0546	CA	Butalbital	50.00
Forest Pharmacal Inc	Esgic Capsules	00456-0631	CA	Butalbital	50.00
Forest Pharmacal Inc	Esgic Forte Tablets	00456-0673	TB	Butalbital	50.00
Forest Pharmacal Inc	Esgic Tablets	00456-0630	TB	Butalbital	50.00
Forest Pharmacal Inc	G.B.S.	00456-0281	TB	Phenobarbital	8.00
Forest Pharmacal Inc	Soniphen	00456-0429	ET	Phenobarbital	16.00
Gen-King Products	Antispasmodic	03547-0777	TB	Phenobarbital	16.20
Geriatric Pharmacal Corp	Bilezyme Plus	00249-1112	TB	Phenobarbital	8.00
Geriatric Pharmacal Corp	Gustase Plus	00249-1121	TB	Phenobarbital	8.00
Glenlawn Laboratories	Chlordinium Sealets	00580-0084	CA	Chlordiazepoxide HCl	5.00
Halsey Drug Co Inc	Butalbital and Acetaminophen Tablets	00879-0543	TB	Butalbital	50.00
Halsey Drug Co Inc	Butalbital, Acetaminophen and Caffeine Tablets.	00879-0567	TB	Butalbital	50.00
Halsey Drug Co Inc	Clinoxide	00879-0501	CA	Chlordiazepoxide HCl	5.00
Halsey Drug Co Inc	Susano	00879-0059	EL	Phenobarbital	3.24
Halsey Drug Co Inc	Susano	00879-0058	TB	Phenobarbital	16.20
Horizon Products Co	Spastrin Tablets	54580-0124	TB	Phenobarbital	40.00
Hyrex Pharmaceutical	Panzyme	00314-0310	TB	Phenobarbital	8.10
Hyrex Pharmaceutical	Two-Dyne Revised	00314-2229	TB	Butalbital	50.00
Interstate Drug Exchange	IDE-Cet Tablets	00814-3820	TB	Butalbital	50.00
Interstate Drug Exchange	Spastolate	00814-7088	TB	Phenobarbital	16.20
Intetlab	CON-TEN	11584-1029	CA	Butalbital	50.00
Kaiser Foundation Hosp	Belladonna Alkaloids with Phenobarbital	00179-0045	EL	Phenobarbital	3.24
Keene Pharmacal Inc	Endolar	00588-7777	CA	Butalbital	50.00
Knoll Pharmaceutical	Quadrinal Suspension	00044-4580	SS	Phenobarbital	2.40
Knoll Pharmaceutical	Quadrinal Tablets	00044-4520	TB	Phenobarbital	24.00
Kraft Pharmacal Co Inc	Digestokraft	00796-0237	TB	Butabarbital Sodium	8 00
Kremers Urban Co	Levsin with Phenobarbital Elixir	00091-4530	EL	Phenobarbital	3.00
Kremers Urban Co	Levsin with Phenobarbital Tablets	00091-3534	TB	Phenobarbital	15.00
Kremers Urban Co	Levsin-DPB	00091-4536	DP	Phenobarbital	15.00
Kremers Urban Co	Levsinex with Phenobarbital	00091-3539	XC	Phenobarbital	45.00
Landry Pharmacal Inc	Febridyne Plain Capsules	05383-0001	CA	Butalbital	50.00
Lanpar Co	PB Phe-Bell	12908-7006	TB	Phenobarbital	16.20
Lasalle Laboratories	Pacaps Modified Formula	48534-0884	CA	Butalbital	50.00
Lemmon Pharmacal Co	Donphen	00093-0205	TB	Phenobarbital	15.00
Life Laboratories	Belladonna Alkaloids with Phenobarbital	00737-1283	EL	Phenobarbital	3.00
Lunsco Inc	Pacaps Capsules	10892-0116	CA	Butalbital	50.00
Major Pharmaceuticals	Fabophen Tablets	00904-3280	TB	Butalbital	50.00
Mallard Inc	Anoquan Modified Formula	00166-0881	CA	Butalbital	50.00
Mallard Inc	Malatal	00166-0748	TB	Phenobarbital	16.20
Marlop Pharmacal Inc	Broncomar	12939-0128	EL	Butabarbital	1.00
Marlop Pharmacal Inc	Dolmar	12939-0812	CA	Butalbital	50.00
Marnel Pharmacal Inc	Margesic Capsules	00682-0804	CA	Butalbital	50.00
Mayrand Pharmacal Inc	B-A-C Tablets	00259-1256	TB	Butalbital	50.00
Mayrand Pharmacal Inc	Sedapap-10 Tablets	00259-1278	TB	Butalbital	50.00
Mead Johnson Pharmacal	Quibron Plus Capsules	00087-0518	CA	Butabarbital	20.00
Mead Johnson Pharmacal	Quibron Plus Elixir	00087-0511	EL	Butabarbital	1.33
Medco Supply Co	Phenobarbital & Hyoscyamine Sulfate	00764-2057	TB	Phenobarbital	16.20
Mikart Inc	Butalbital and Acetaminophen Tablets 50/325.	46672-0099	TB	Butalbital	50.00
Mikart Inc	Butalbital and Acetaminophen Tablets 50/650.	46672-0098	TB	Butalbital	50.00
Mikart Inc	Butalbital, Acetaminophen, Caffeine Capsules.	46672-0103	CA	Butalbital	50.00
Mikart Inc	Butalbital, Acetaminophen, and Caffeine Tablets II.	46672-0059	TB	Butalbital	50.00
Moore Drug Exchange	Antispasmodic Tablets	00839-5055	TB	Phenobarbital	16.00
Moore Drug Exchange	Theophenyllin	00839-5111	TB	Phenobarbital	8.00
Nejo Pharmaceutical	Spasmalones	00653-0002	TB	Phenobarbital	16.00
Parke-Davis & Co	Dilantin with Phenobarbital 1/2	00071-0531	CA	Phenobarbital	32.00
Parke-Davis & Co	Dilantin with Phenobarbital 1/4	00071-0375	CA	Phenobarbital	16.00
Parke-Davis & Co	Tedral SA	00071-0231	XT	Phenobarbital	25.00

Table of Exempt Prescription Products—Continued

Company	Trade name	NDC Code	Form	Controlled Substance	(mg or mg/ml)
Parmed Pharmaceutical	Sedapar Elixir	00349-4100	EL	Phenobarbital	3.24
Parmed Pharmaceutical	Sedapar Tablets	00349-2355	TB	Phenobarbital	16.20
Pasadena Research	Seds	00418-4072	TB	Phenobarbital	16.20
Pharmaceutical Basics Inc	Clinibrax Capsules	00832-1054	CA	Chlordiazepoxide HCl	5.00
Poythress & Co Inc	Antrocol	00095-0041	CA	Phenobarbital	16.00
Poythress & Co Inc	Antrocol Elixir	00095-0042	EL	Phenobarbital	3.00
Poythress & Co Inc	Antrocol Tablets	00095-0040	TB	Phenobarbital	16.00
Poythress & Co Inc	Mudrane	00095-0050	TB	Phenobarbital	8.00
Poythress & Co Inc	Mudrane GG Elixir	00095-0053	EL	Phenobarbital	0.50
Poythress & Co Inc	Mudrane GG Tablets	00095-0051	TB	Phenobarbital	8.00
Private Formula Inc	Sangesic	00511-1627	TB	Butalbital	30.00
Qualitest Products Inc	Chlordiazepoxide HCl 5 mg and Clidinium Br 2.5 mg.	52446-0096	CA	Chlordiazepoxide HCl	5.00
Redi-Med	Butalbital Compound Capsules	53506-0103	CA	Butalbital	50.00
Richlyn Laboratories	Aminophylline & Phenobarbital	00115-2156	ET	Phenobarbital	15.00
Richlyn Laboratories	Aminophylline & Phenobarbital Tablets	00115-2154	TB	Phenobarbital	15.00
Richlyn Laboratories	Bellophen	00115-2400	TB	Phenobarbital	16.20
Richlyn Laboratories	Spasmolin	00115-4652	TB	Phenobarbital	15.00
Robins A H Co Inc	Donnatal Capsules	00031-4207	CA	Phenobarbital	16.20
Robins A H Co Inc	Donnatal Elixir	00031-4221	EL	Phenobarbital	3.24
Robins A H Co Inc	Donnatal Extentabs	00031-4235	XT	Phenobarbital	48.60
Robins A H Co Inc	Donnatal No 2	00031-4264	TB	Phenobarbital	32.40
Robins A H Co Inc	Donnatal Tablets	00031-4250	TB	Phenobarbital	16.20
Robins A H Co Inc	Donnazyme	00031-4649	ET	Phenobarbital	8.10
Roche Labs	Librax	00140-0007	CA	Chlordiazepoxide HCl	5.00
Roche Labs	Menrium 10-4	00140-0025	TB	Chlordiazepoxide	10.00
Roche Labs	Menrium 5-2	00140-0023	TB	Chlordiazepoxide	5.00
Roche Labs	Menrium 5-4	00140-0024	TB	Chlordiazepoxide	5.00
Rondex Laboratories	Antispasmodic	00367-4118	TB	Phenobarbital	16.20
Rotex Pharmacal Inc	Rogesic Capsules	31190-0008	CA	Butalbital	50.00
Ruckstuhl Co	Sedarex No 3	00144-1575	TB	Phenobarbital	16.20
Rugby Laboratories	Clindex	00536-3490	CA	Chlordiazepoxide HCl	5.00
Rugby Laboratories	Hyosophen Capsules	00536-3926	CA	Phenobarbital	16.00
Rugby Laboratories	Hyosophen Tablets	00536-3920	TB	Phenobarbital	16.20
Rugby Laboratories	ISOCET Tablets	00536-3951	TB	Butalbital	50.00
Rugby Laboratories	Theodrine Tablets	00536-4648	TB	Phenobarbital	8.00
Russ Pharmacal Inc	Lorprn Capsules	50474-0702	CA	Butalbital	50.00
Sandoz Pharmacal Corp	Belladenal	00078-0028	TB	Phenobarbital	50.00
Sandoz Pharmacal Corp	Belladenal-S	00078-0027	XT	Phenobarbital	50.00
Sandoz Pharmacal Corp	Bellergal-S	00078-0031	XT	Phenobarbital	40.00
Sandoz Pharmacal Corp	Cafergot P-B Suppository	00078-0035	SU	Pentobarbital	60.00
Sandoz Pharmacal Corp	Cafergot P-B Tablets	00078-0036	TB	Pentobarbital Sodium	30.00
Sandoz Pharmacal Corp	Fioricet	00078-0084	CA	Butalbital	50.00
Schein Henry Inc	Antispasmodic	00364-0020	TB	Phenobarbital	16.00
Schein Henry Inc	Antispasmodic Elixir	00364-7002	EL	Phenobarbital	3.20
Schein Henry Inc	Isolate Compound Elixir	00364-7029	EL	Phenobarbital	0.40
Schein Henry Inc	T-E-P	00364-0266	TB	Phenobarbital	8.10
Shoals Pharmacal Co	Tencet	47649-0370	TB	Butalbital	50.00
Shoals Pharmacal Co	Tencet Capsules	47649-0560	CA	Butalbital	50.00
Stewart-Jackson Pharmacal	Ezol	45985-0578	CA	Butalbital	50.00
Stuart Pharmaceutical	Kinesed	00038-0220	TB	Phenobarbital	16.00
Towne Paulsen & Co	T. E. P.	00157-0980	TB	Phenobarbital	8.00
Trimen Labs	Amaphen Capsules (reformulated)	11311-0954	CA	Butalbital	50.00
Truxton Co Inc	Atropine Sulfate with Phenobarbital	00463-6035	TB	Phenobarbital	15.00
Truxton Co Inc	Ephedrine with Phenobarbital	00463-6086	TB	Phenobarbital	15.00
Truxton Co Inc	Spastemms Elixir	00463-9023	EL	Phenobarbital	3.24
Truxton Co Inc	Spastemms Tablets	00463-6181	TB	Phenobarbital	15.00
U.S. Pharmaceuticals Inc	Medigesic Plus	52747-0311	TB	Butalbital	50.00
UAD Laboratories Inc	Bucet Capsules	00785-2307	CA	Butalbital	50.00
UAD Laboratories Inc	Bucet Tablets	00785-2307	TB	Butalbital	50.00
UAD Laboratories Inc	Triad	00785-2306	TB	Butalbital	50.00
UAD Laboratories Inc	Triad Capsules	00785-2305	CA	Butalbital	50.00
UDL Laboratories	Belladonna Alkaloids with Phenobarbital	51079-0168	TB	Phenobarbital	16.20
University of Iowa	Bladder Mixture Plus Phenobarbital	11326-1624	LQ	Phenobarbital	2.92
Vale Chemical Co	Alkaloids of Belladonna and Phenobarbital.	00377-0527	TB	Phenobarbital	16.20
Vale Chemical Co	Antispas	00377-0622	TB	Phenobarbital	16.20
Vale Chemical Co	Barbeloid (Revised) Green	00377-0365	TB	Phenobarbital	16.20
Vale Chemical Co	Barbeloid Yellow	00377-0498	TB	Phenobarbital	16.20
Vale Chemical Co	Charspast	00377-0500	TB	Phenobarbital	16.20
Vale Chemical Co	Digestokraft	00377-0460	TB	Butabarbital Sodium	8.00

Table of Exempt Prescription Products—Continued

Company	Trade name	NDC Code	Form	Controlled Substance	(mg or mg/ml)
Vale Chemical Co	Ephedrine & Sodium Phenobarbital	00377-0109	TB	Phenobarbital Sodium	16.20
Vale Chemical Co	Panzyme	00377-0491	TB	Phenobarbital	8.10
Vale Chemical Co	Pulsaphen	00377-0652	TB	Phenobarbital	15.00
Vale Chemical Co	Truxaphen	00377-0541	TB	Phenobarbital	16.20
Vale Chemical Co	Wescophen S-II	00377-0628	TB	Phenobarbital	30.00
Vale Chemical Co	Wesmatic Forte	00377-0426	TB	Phenobarbital	8.10
Vortech Pharmacal Co	Donna-Sed	00298-5054	EL	Phenobarbital	3.24
Vortech Pharmacal Co	Hypnaldyne	00298-1778	TB	Phenobarbital	16.20
Vortech Pharmacal Co	Isophed	00298-5680	LQ	Phenobarbital	0.40
Vortech Pharmacal Co	Phedral C. T.	00298-1173	TB	Phenobarbital	8.10
Wallace Laboratories	Barbidonna Elixir	00037-0305	EL	Phenobarbital	3.20
Wallace Laboratories	Barbidonna No 2	00037-0311	TB	Phenobarbital	32.00
Wallace Laboratories	Barbidonna Tablets	00037-0301	TB	Phenobarbital	16.00
Wallace Laboratories	Butibel Elixir	00037-0044	EL	Butabarbital Sodium	3.00
Wallace Laboratories	Butibel Tablets	00037-0046	TB	Butabarbital Sodium	15.00
Wallace Laboratories	Lufyllin-EPG Elixir	00037-0565	EL	Phenobarbital	1.60
Wallace Laboratories	Lufyllin-EPG Tablets	00037-0561	TB	Phenobarbital	16.00
Wallace Laboratories	Milprem-200	00037-5501	TB	Meprobamate	200.00
Wallace Laboratories	Milprem-400	00037-5401	TB	Meprobamate	400.00
Wesley Pharmacal Co	Hytrophen	00917-0244	TB	Phenobarbital	16.20
Wesley Pharmacal Co	Pulsaphen Gray	00917-0113	TB	Phenobarbital	15.00
Wesley Pharmacal Co	Wescophen-S	00917-0135	TB	Phenobarbital	30.00
Wesley Pharmacal Co	Wesmatic Forte	00917-0845	TB	Phenobarbital	8.00
West-ward Inc	Belladonna Alkaloids & Phenobarbital	00143-1140	TB	Phenobarbital	16.20
West-ward Inc	Butalbital with Acetaminophen and Caffeine Tablets.	00143-1787	TB	Butalbital	50.00
West-ward Inc	Theophylline Ephedrine & Phenobarbital	00143-1695	TB	Phenobarbital	8.00
Winthrop Labs	Isuprel	00024-0874	EL	Phenobarbital	0.40
Zenith Labs Inc	Azpan	00172-3747	TB	Phenobarbital	8.00

Gene R. Haislip,

Deputy Assistant Administration, Office of Diversion Control, Drug Enforcement Administration.

Dated: January 6, 1988.

[FR Doc. 88-1478 Filed 2-3-88; 8:45 am]

BILLING CODE 4410-09-M

Federal Register

Thursday
February 4, 1988

Part III

Christopher Columbus Quincentenary Jubilee Commission

45 CFR Parts 2201 and 2202

Organization, Recognition, and Support of Projects and Use of Logo; and Recognition of Commercial Sponsors, Licenses, and Use of Logo; Interim Rules With Request for Comments

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

45 CFR Part 2201

Organization, Recognition and Support of Quincentenary Projects and Use of Logo

AGENCY: Christopher Columbus Quincentenary Jubilee Commission.

ACTION: Interim rule with request for comments.

SUMMARY: This notice announces amendments made by the Christopher Columbus Quincentenary Jubilee Commission to the Regulations for Recognition and Support of Quincentenary Projects which were published as an Interim Rule on April 3, 1987 (52 FR 10870). The enactment of Pub. L. 100–94, 101 Stat. 700, signed by the President on August 18, 1987, requires these amendments in order to implement the actions of Congress and conform the Commission's existing regulations with the new authority granted by Congress. The effect of these amendments is to clarify the procedure for requesting registration of a project with the Commission as it appears in the existing regulations and to authorize the commercial use of the Logo.

DATES: Interim rule effective February 4, 1988, except for § 2201.32(c). Section 2201.32(c) will become effective after the information collections requirements contained in that section have been submitted by the Commission and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. After approval is obtained from the Office of Management and Budget, an announcement of the effective date for § 2201.32(c) will be published in the **Federal Register.** Comments must be submitted on or before April 4, 1988.

ADDRESSES: Comments should be mailed or delivered to the Christopher Columbus Quincentenary Jubilee Commission at 1801 F Street NW., Third Floor, Washington, DC 20006. Comments received may also be inspected at this address between 9:00 a.m. and 5:00 p.m. A copy of any comments that concern information collection requirements should also be sent to the Office of Information and Regulatory Affairs (OMB) at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Francisco J. Martinez-Alvarez, Deputy Director. Telephone: (202) 632–1992.

SUPPLEMENTARY INFORMATION:

Background

The Commission published an interim rule with request for comments on April 3, 1987, 52 FR 10870. No public comments were received. These amendments, however, are intended to clarify the rules regarding the organization of the Commission and procedure for registration of projects. The regulations were approved in order to implement changes made by Pub. L. 100–94, 101 Stat. 700, to the statute which created the Commission, Pub. L. 98–375, 98 Stat. 1257. The new law, among other things, raised the annual limits on individual and corporate contributions to the Commission and authorized the Commission to use the Logo for commercial purposes.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Statutory Authority

This regulation is authorized under Pub. L. 98–375, 98 Stat. 1257, as amended by Pub. L. 100–94, 101 Stat. 700. Regulations were previously published in the **Federal Register** on April 3, 1987, 52 FR 10870.

Request for Comments

A 60 day public comment period ending February 4, 1988, has been provided for the purpose of receiving comments and recommendations for improvement of the regulation prior to publication of a final rule. Comments should be mailed or delivered to the Commission at 1801 F Street NW., Third Floor, Washington, DC 20006.

Basis for Interim Rule

The Commission approved these regulations as an interim rule as a prompt response to the many inquiries concerning the procedure for registering a project with the Commission.

Paperwork Reduction Act of 1980

Section 2201.32(c) contains information collection requirements. As required by section 3540(h) of the Paperwork Reduction Act of 1980, the Commission will submit a copy of these regulations to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503, Attention: Joseph Lackey.

All other comments regarding these regulations should be sent to the Commission's office.

The information collection requirements published in the **Federal Register** on April 3, 1987, 52 FR 10870, have been approved by the Office of Management and Budget, and have been assigned OMB control number 3312–0016.

List of Subjects in 45 CFR Part 2201

Organization and function (Government agencies), Seals and insignia.

Issued in Washington, DC, on January 28, 1988.

John Alexander Williams,

Director.

45 CFR Part 2201 is amended as follows:

PART 2201—[AMENDED]

1. The authority citation for Part 2201 is revised to read as follows:

Authority: Pub. L. 98–375, 98 Stat. 1257; as amended by Pub. L. 100–94, 101 Stat. 700.

2. Part 2201 is amended by changing the term "Official Quincentenary Logo" to read "Christopher Columbus Quincentenary Logo" everywhere it appears.

Subpart A—[Amended]

3. Subpart A is amended by adding a new § 2201.4 to read as follows:

§ 2201.4 Chairman and Vice Chairman.

Pursuant to the provisions of Pub. L. 98–375, Sections 3(b)(3) and 3(d), the Commission shall elect a Chairman and Vice Chairman from among the members.

Subpart F—[Redesignated as Subpart G]

4. Subpart F is redesignated as Subpart G and §§ 2201.51 through 2201.55 are redesignated as §§ 2201.61 through 2201.65, respectively.

Subpart E—[Redesignated as Subpart F]

5. Subpart E is redesignated as Subpart F, §§ 2201.41 through 2201.44 are redesignated as §§ 2201.51 through 2201.54, respectively, and newly designated § 2201.53 is revised to read as follows:

§ 2201.53 Commercial use of Logo.

Pub. L. 100–94 authorizes the Commission to make or permit

commercial use of its Logo. The Commission reserves full authority over its Logo and permission for such commercial use shall be granted only by written authorization from the Commission and subject to these regulations governing commercial use of the Logo and any subsequent amendments thereto as may be promulgated by the Commission.

Subpart D—[Redesignated as Subpart E]

6. Subpart D is redesignated as Subpart E and §§ 2201.31 through 2201.33 are redesignated as §§ 2201.41 through 2201.43. respectively.

Subpart C—[Redesignated as Subpart D]

7. Subpart C is redesignated as Subpart D, §§ 2201.21 through 2201.23 are redesignated as §§ 2201.31 through 2201.33 respectively, and the introductory text of paragraph (c) of newly designated § 2201.32 is revised to read as follows:

§ 2201.32 Registered projects.

* * * * *

(c) Those interested in requesting that a project be included in the Commission's Register of Quincentenary Projects and Events should make such request in writing to the Commission. The request must include a description of the project, including its time, location and scope, and indicate how it is expected the project will contribute to increasing public awareness of the Quincentenary. The request must also include the signature of the person to be contacted by the Commission regarding the project and identify any individuals, institutions, entities, groups or organizations on whose behalf the signer has been authorized to make the request. Any project which is adequate for inclusion in the Register of Quincentenary Projects and Events may be proposed for registration as a registered project by one of the following:

* * * * *

Subpart B—[Redesignated as Subpart C]

8. Subpart B is redesignated as Subpart C, § 2201.11 is redesignated as § 2201.21 and a new Subpart B is added to read as follows:

Subpart B—Powers and Functions

Sec.
2201.11 Personnel.
2201.12 Facilities and services.
2201.13 Donations to the Commission.

Subpart B—Powers and Functions

§ 2201.11 Personnel.

(a) In carrying out the functions and responsibilities of the Commission:

(1) The Chairman, with the advice of the Commission, shall appoint a Director and a Deputy Director;

(2) The Commission may appoint and fix the compensation of such additional personnel to be paid out of appropriated funds to carry out the purposes of the Commission, not to exceed 20 staff members;

(3) The Commission may appoint and fix the compensation of additional personnel to be paid out of such other funds as may be available to it from donations, revenues or such other sources as are authorized by law;

(4) The Commission may request the head of any Federal agency to detail to the Commission, without reimbursement to the agency, such personnel as the Commission may require for carrying out its duties and functions.

(b) The Director has responsibility for administering the work of the Commission's staff under the oversight of the Chairman and the Commission.

§ 2201.12 Facilities and services.

(a) To accomplish its purposes, the Commission is authorized to procure supplies, services and property; make contracts; and expend in furtherance of its purposes funds appropriated, donated or received in pursuance of such contracts.

(b) The Commission may enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(c) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

§ 2201.13 Donations to the Commission.

The Commission is authorized to accept, use, solicit, and dispose of donations of money, property or personal services, except that the Commission may not accept donations the aggregate value of which in any year exceed:

(a) $250,000 in the case of donations from an individual donor; and

(b) $1,000,000 in the case of donations from a foreign government, corporation, partnership, or other person (other than an individual).

9. Section 2201.52 is amended by adding the OMB Control Number at the end of the section to read as follows:

§ 2201.52 Requirements.

* * * * *

(Approved by the Office of Management and Budget under control number 3312-0016.)

[FR Doc. 88-2208 Filed 2-3-88; 8:45 am]
BILLING CODE 6820-RB-M

45 CFR Part 2202

Recognition of Commercial Sponsors, Licenses, and Use of Logo

AGENCY: Christopher Columbus Quincentenary Jubilee Commission.

ACTION: Interim rule with request for comments.

SUMMARY: These regulations set forth general provisions and policies governing the procedure for recognition of commercial projects, corporate sponsors and commercial licensees of the Commission and for the use of the Logo.

These regulations are necessary because of the enactment of Pub. L. 100-94, 101 Stat. 700, signed by the President on August 18, 1987. This new statute amended Pub. L. 98-375, 98 Stat. 1257, which created the Commission, and substituted entirely new statutory provisions governing the Commission's authority over the use of the Christopher Columbus Quincentenary Logo.

The intended effect of these regulations is to implement the actions of Congress.

DATES: Interim rule effective February 4, 1988, except for § 2202.35(c). Section 2202.35(c) will become effective after the information collection requirements contained in that section have been submitted by the Commission and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. After approval is obtained from the Office of Management and Budget, an announcement of the effective date for § 2202.35(c) will be published in the **Federal Register**. Comments must be submitted on or before April 4, 1988.

ADDRESSES: Comments should be mailed or delivered to the Christopher Columbus Quincentenary Jubilee Commission at 1801 F Street NW., Third Floor, Washington, DC 20006. Comments received may also be inspected at this address between 9:00 a.m. to 5:00 p.m. A copy of any comments that concern information collection requirements should also be sent to the Office of Information and Regulatory Affairs

(OMB) at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Francisco J. Martinez-Alvarez, Deputy Director. Telephone: (202) 632-1992.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 1987, the Commission published regulations governing the Commission's recognition and support of Quincentenary projects and the use of the Logo for noncommercial projects. (52 FR 10870). On August 18, 1987, the President signed Pub. L. 100-94, 101 Stat. 700 which amended Pub. L. 98-375, 98 Stat. 1257, the law which created the Commission and authorized the Commission, among other things, to use, sell and distribute the Christopher Columbus Quincentenary Logo.

In order to conform with the new law, the Commission reviewed and approved this interim rule which governs the Commission's recognition of commercial projects, corporate sponsors and licensees and for the use of the Logo. The Commission will review all comments received. If changes to the rules are indicated by the comments received, these changes will be published in the **Federal Register.**

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Classification

The Chairman of the Commission certifies that these regulations will not have a significant economic impact on a substantial number of small entities because they would impose minimal burden on proponents of projects. The regulations do not constitute a major Federal action significantly affecting the quality of the environment and, therefore, an environmental impact statement is not required.

Statutory Authority

This regulation is authorized under Pub. L. 98-375, 98 Stat. 1257, as amended by Pub. L. 100-94, 101 Stat. 700.

Request for Comments

A 60 day public comment period ending April 4, 1988, has been provided for the purpose of receiving comments and recommendations for improvement of these regulations prior to publication of a final rule. Comments should be mailed or delivered to the Commission at 1801 F Street NW., Third Floor, Washington, DC 20006.

Basis for Interim Rule

The Commission approved these Regulations as an interim rule as a prompt response to the many inquiries concerning the criteria for Commission recognition of commercial projects, sponsors, and licensees.

Paperwork Reduction Act of 1980

Section 2202.35 contains information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Commission will submit a copy of these regulations to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503. Attention: Joseph Lackey.

All other comments regarding these proposed regulations should be sent to the Commission's office.

List of Subjects in 45 CFR Part 2202

Seals and insignia.

Issued in Washington, DC, on January 28, 1988.

John Alexander Williams,

Director.

For the reasons set out in the preamble and under the authority of Pub. L. 98-375, 98 Stat. 1257, as amended by Pub. L. 100-94, 101 Stat. 700, a new Part 2202 is added to Chapter XXII of Title 45, Code of Federal Regulations, to read as follows:

CHAPTER XXII—CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

* * * * *

PART 2202—RECOGNITION OF COMMERCIAL QUINCENTENARY ACTIVITIES

Subpart A—General Policy on Commercial Involvement

Sec.

Subpart B—Involvement With Commercial Activities

Subpart C—Christopher Columbus Quincentenary Logo

Authority: Pub. L. 98-375, 98 Stat. 1257; as amended by Pub. L. 100-94, 101 Stat. 700.

Subpart A—General Policy on Commercial Involvement

§ 2202.11 Statement of policy.

(a) The Commission is authorized to accept, use, solicit and dispose of donations of money, property or personal services from commercial entities, groups or organizations as well as individuals, or from other, non-commercial sources. In addition, the Commission seeks to encourage participation in and support for its commemorative program by commercial entities, groups and organizations. In determining whether and how to associate itself with activities conducted, sponsored or organized by commercial entities, groups and organizations or with any commercial activities of non-profit, charitable, public, educational, scholarly, governmental or other entities, groups and organizations not primarily or exclusively commercial in nature or purpose, the Commission shall give due consideration to the following:

(1) The extent to which involvement will serve to further the overall goals of the Commission's commemorative program;

(2) The appropriateness, as determined by the Commission, of any products, goods or services which may be identified with the Commission or its commemorative program through use of the Logo or other means;

(3) Whether identification or involvement with a particular commercial activity, product or organization is, in the Commission's judgment, in the best interests of the Commission and its commemorative program and goals;

(4) To the extent possible, the existence of any historical or other links between specific commercial activities, groups or organizations and the voyages or related personalities, events and activities which are the subject of the Commission's commemorative program;

(5) The extent to which the Commission's involvement with a particular commercial activity, group or organization will serve to promote public awareness of its commemorative program or educational and cultural

activities planned and conducted in connection with the program; and

(6) The public benefit or interest served by involvement with a particular commercial activity, group or organization.

(b) The general criteria or considerations in paragraph (a) of this section are not exclusive or mandatory. The Commission's decisions whether or not to become involved with a particular commercial activity, entity, group or organization, are, subject to any limitations imposed by law, within the sole discretion of the Commission.

(c) The promulgation by the Commission of regulations governing its involvement with commercial activities shall not be construed as limiting or affecting the Commission's rights and authority with respect to non-commercial involvement.

§ 2202.12 Financial support.

Commission involvement with commercial activities, projects, entities, groups or organizations shall not obligate the Commission to provide financial support to any such activity, project, entity, group or organization.

§ 2202.13 Nonexclusive involvement.

Unless otherwise agreed to by the Commission or its designee for such purposes in advance and in writing, Commission involvement with any commercial activity, project, entity, group or organization will not in any way limit the Commission from involvement with other activities, projects, entities, groups or organizations of the same or a similar nature.

§ 2202.14 Definition.

(a) For purposes of these regulations, the general term "commercial" is normally understood to mean private, for profit activity and the individuals, entities, groups or organizations engaged in such activity.

(b) Nothing in this definition shall, however, be interpreted as precluding the Commission from permitting, granting, authorizing or licensing commercial and/or non-commercial use of its Logo by non-profit, non-commercial entities, groups or organizations; educational facilities or institutions; individuals, groups, institutions or organizations engaged in scholarly research; charitable or cultural groups or organizations; and local, state and federal government(s) or instrumentalities thereof.

Subpart B—Involvement With Commercial Activities

§ 2202.21 Commission decisions.

Unless delegated by vote of the Commission to a committee of the Commission, or to the Commission's Director, authority to decide Commission involvement with commercial activities remains with the full Commission. The Commission shall give notice in writing with respect to decisions regarding commercial involvement.

§ 2202.22 Withdrawal of involvement.

The Commission reserves the right at all times and with respect to any involvement with commercial activity to withdraw its involvement or recognition, or both, including any authorization for use of the Logo

§ 2202.23 Types of involvement.

Initially, the Commission contemplates there will be three forms of involvement with commercial activities:

(a) *Recognition of sponsorship.* In return for donations offered or solicited from commercial sources, the Commission may, on its own initiative, or upon request, recognize the contributions of specific donors by entering the name of such donors on a Register of Official Sponsors to be maintained at the Commission's offices. The Commission may also authorize a donor listed in the Register to identify itself to the general public as an "Official Sponsor of the Christopher Columbus Quincentenary Jubilee." Any conditions under which a donor may be permitted to identify itself to the general public as such an official sponsor shall be prescribed in writing by the Commission.

(b) *Recognized commercially sponsored projects.* As set forth in Part 2201 of the Commission's regulations, the Commission may designate projects originated by commercial sources as Official Quincentenary Projects. In connection with such inclusion or designation, the Commission may authorize a commercial sponsor or sponsors to identify themselves with the project or the Commission and/or to make use of the Logo. The conditions under which commercial sponsors of "Registered" or "Official" projects or events may be permitted to identify themselves with the project or the Commission and/or make use of the Logo shall be prescribed in writing by the Commission.

(c) *Licensing.* Subject to the requirements of applicable law, these regulations and any amendments thereto as may subsequently be required, the Commission may enter into agreements by which it will license commercial use of its Logo.

Subpart C—Christopher Columbus Quincentenary Logo

§ 2202.31 Design and identification.

Under the authority granted by Pub. L. 98-375, Sec. 10a, as amended, the Commission has designed and adopted the "Christopher Columbus Quincentenary Logo" as the official symbol or mark of the Quincentenary. This design has been depicted and described in Appendix A to Part 2201 of this chapter. Commercial use of the Logo, including any likeness of this Logo which, in whole or in part, is used in such manner as to suggest this Logo, shall be governed by these regulations.

§ 2202.32 Authorized commercial use of Logo.

Authorization for commercial use of the Christopher Columbus Quincentenary Logo (hereinafter the "Logo") shall be granted only at the sole discretion of the Commission and in accord with these regulations. Reproduction of the Logo is permitted only after written authorization of the Commission. Unless expressly authorized otherwise in writing by the Commission, authority to reproduce the Logo shall entail the obligation to reproduce it in its entirety, that is including both the number "500" in outline form as represented in the illustration in Appendix A to Part 2201 of this chapter and the complete accompanying legend above and below the numerical symbol, also according to the specifications set forth in Appendix A. Authorized users may not delegate use of the Logo to others unless authorized to do so in writing by the Commission or by these regulations.

§ 2202.33 Commecial use.

Pub. L. 100-94, Sec. 7(a), empowers the Commission, in accordance with these rules and regulations, and such other rules and regulations which the Commission may from time to time prescribe, to authorize the manufacture, reproduction, use, sale or distribution of the Logo. To this end, the Commission shall establish a licensing program to govern its authorization of commercial use of the Logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting commercial goods or services, or as part of an endorsement of such goods and services. The Commission reserves the right to solicit individuals, entities, groups or

organizations regarding entry into licensing or commercial use authorization agreements.

§ 2202.34 Licensed usage.

(a) In general, licensed commercial usage of the Logo shall not involve any official endorsement of products. The purpose of licensing will be to authorize use of the Logo through a license agreement for its use in product design or packaging or in promotional activities or materials conducted or produced by the licensee.

(b) At a minimum, authorized use of the Logo shall be governed by these regulations, with any additional, specific terms of and conditions upon such authorized use to be determined by the specific license agreement between the Commission and the authorized user.

§ 2202.35 Licenses—Proposals, Committee on Licensing.

(a) The Commission may delegate authority to a committee on product licensing, to be organized and staffed as the Commission determines. The Commission reserves the right to publish any additional guidelines that may be necessary to carry out activities and functions related to licensing.

(b) The Commission may delegate its authority to accept, consider, review and solicit proposals for licenses and to decide whether to enter into licensing agreements with those seeking or interested in such agreements as well as all other responsibilities and functions necessary to carry out a licensing program, including negotiating the terms of licensing agreements.

(c) The Commission invites prospective licensees to submit proposals for license agreements. Each proposal for entering into a licensing agreement shall be addressed to the Christopher Columbus Quincentenary Jubilee Commission at 1801 F Street NW., Third Floor, Washington, DC 20006. Each proposal shall be accompanied by a summary or synopsis, not exceeding two single-spaced, typewritten pages in length, which shall include:

(1) The name, address and telephone number of the proposer; the date of the application and the name, address and telephone number of the person or persons responsible for negotiating and administering any license agreement on behalf of the proposer;

(2) A brief description of the product or use for which the license is sought;

(3) A summary of proposed terms of any licensing agreement;

(4) A statement to the effect that the party submitting the proposal agrees to be bound by all policies, requirements, regulations or other decisions that have been made or will be made by the Commission affecting any license agreement between the Commission and the submitting party;

(5) A brief description of the financial accounting that will be employed by the party submitting the proposal with respect to any royalty or fee obligations to the Commission in connection with the license;

(6) A designation, in the synopsis, of any business confidential or proprietary information or materials contained in the proposal, and a request that it be treated as such;

(7) The signature(s) of the person or persons authorized to make a proposal on behalf of the individual, entity, group or organization submitting the proposal.

(d) The proposal accompanying the synopsis shall also include the information required in paragraphs (c)(1)–(7) of this section and shall, as appropriate or necessary, provide more comprehensive or detailed descriptions, information or data. The Commission reserves the right to request such additional information from a party submitting a proposal as it may deem necessary.

(e) The Commission shall not be responsible for any materials that are not delivered personally or by certified mail, return receipt requested, to the address indicated above or to any other designated address.

(f) Although the Commission cannot guarantee confidentiality in its review of proposals, the Commission will make every possible effort to maintain the confidentiality of those proposals for projects which, in their synopsis, request confidentiality.

§ 2202.36 Fees and royalties.

(a) Pub. L. 100–94, Sec. 7(a)(3), authorizes the Commission to charge fees for any authorization of commercial use of its Logo. In general, the amount of any fee, royalty or other payment to be charged by the Commission in return for a license or authorization to make commercial use of the Logo shall be established by agreement between the parties.

(b) A non-refundable advance against future royalties will normally be required from the licensee.

(c) The Commission may, in its sole discretion, determine the circumstances under which it may choose to waive payment of fees, royalties or other charges for commercial use of the Logo.

§ 2202.37 Revocation.

The Commission reserves the right at all times and with respect to any license or authorization of commercial use of the Logo to withdraw, revoke or otherwise terminate such license or authorization.

§ 2202.38 Termination.

(a) Commercial use licenses for products will expire on the statutory termination date of the Commission with no residual rights to the manufacturer. Products manufactured on or before the termination date may be sold after such date subject to payment of applicable royalties to the Comnission or its successor authorized to receive such payments.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission may by agreement permit non-profit, non-commercial entities, groups or organizations, or individuals, as defined in § 2202.14 of these regulations, to continue to identify themselves with the Quincentenary and/or to make non-commercial use of the Logo in connection with ongoing educational, cultural or scholarly activities or projects undertaken with the Commission's sponsorship, approval or recognition.

§ 2202.39 Place of manufacture and quality.

To the extent possible in light of the special international scope and character of the Quincentenary, products licensed by the Commission under these regulations must be made in the United States of America, its territories and possessions within the meaning of Federal Trade Commission "made in USA" designation guidelines. Any exceptions to this policy must be approved by the Commission or its designee for product licensing.

§ 2202.40 Excluded products.

As implied under Pub. L. 98–375, as amended, the Commission or its designee for such purposes has the discretion to exclude product areas from the licensing program. Any decision to exclude a product or product area from the licensing program shall be in writing and shall include a brief statement of the reason or reasons for such exclusion.

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